APPENDIX.

A.

List of Arms collected in Tinnevelly, Shevagunga, Ramnad, and Dindigul, dated 7th March 1802.

Small guns	45
Swivels	1,233
Ginjals	82
Firelocks	6,164
Matchlocks	9,955
Pistols	587
Musket and pistol barrels	1,181
Pikes and spears	35,878
Pike and spear heads	2,412

N.B.—About 12,000 swords and daggers, 1,000 bayonets, 1,000 bows, 10,000 Collery weapons.

(Signed) **P. A. AGNEW**, Lieut.-Col.,
Commanding Detachment.

PALAMCOTTAH,
7th March 1802.

B.

Casualties at the Storm of the Pettah at Ahmednuggur, 8th August 1803.

	Killed.	Wounded.	Total.
H.M.'s 19th dragoons	...	1	1
5th cavalry	1	...	1
H.M.'s 74th regiment	2	11	13
H.M.'s 78th ,, ...	14	41	55
1st battalion 2nd N.I.	...	2	2
1st ,, 3rd ,, ...	7	11	18
1st ,, 8th ,, ...	2	9	11
2nd ,, 12th ,, ...	..	5	5
2nd ,, 18th ,, ...	1	3	4
1st ,, pioneers	...	9	9
Total ...	27	92	119

Casualties before the Fort, 9th, 10th, and 11th August 1803.

	Killed.	Wounded.	Total.
Artillery	1	7	8
H.M.'s 74th	...	2	2
1st battalion 3rd	...	1	1
1st ,, 8th	1	...	1
2nd ,, 12th	...	3	3
1st ,, pioneers	1	6	7
Total ...	3	19	22

Officers Killed.

Captain Grant, H.M.'s 78th.
,, Humberston, ,,
Lieutenant Anderson, ,,
,, Plenderleath, 1st bat. 3rd.

Officers Wounded.

Lieutenant Neilson, H.M.'s 74th.
,, Larkins, ,, 78th.

C.

A Return of the Killed, Wounded, and Missing of the Detachment under the command of Major-General the Honorable Arthur Wellesley at the Battle of Assaye, against the Army of Dowlut Row Scindiah, on Friday 23rd September 1803.

Corps.	Killed.																	
	Europeans.									Natives.							Total European and Native.	Horses.
	Lieutenant-Colonels.	Captains.	Captain-Lieutenants.	Lieutenants.	Volunteers.	Lieutenant and Adjutant.	Non-commissioned Staff.	Serjeants.	Rank and File.	Subadars.	Jemadars.	Havildars.	Trumpeters and Drummers.	Rank and File.	Gun Lascars.	Puckallies.		
H.M.'s 19th light dragoons	1	1	..	..	..	..	...	..	15	...	...	...	...	...	...	...	17	87
4th Native cavalry ...	..	1	...	..	...	...	...	...	...	...	1	...	1	13	...	..	16	69
5th „ „	...	...	...	...	..	1	...	...	...	...	...	...	1	11	...	...	13	86
7th „ „	..	...	...	...	...	..	...	...	...	...	...	2	...	8	...	...	10	83
Detachment, 1st battalion artillery.	...	..	2	2	...	...	..	1	11	...	...	...	...	...	2	1	19	...
„ 2nd „ ...	...	...	...	.	...	..	...	...	4	...	...	...	...	...	4	...	8	...
„ Bombay „ ...	...	...	...	..	...	...	...	...	6	...	...	...	...	...	2	...	8	...
Attached to cavalry guns ...	...	..	...	...	...	...	...	1	...	...	...	...	...	...	...	...	1	...
H.M.'s 74th regiment ...	...	4	...	6	1	...	...	9	104	...	...	...	...	...	...	...	124	...
H.M.'s 78th „ ...	...	...	...	1	...	...	..	1	22	...	...	...	..	...	...	...	24	...
1st battalion 2nd M.N.I.[1] ...	...	...	...	1	...	...	...	...	...	...	...	1	1	17	..	1	21	...
1st „ 4th „ ...	...	..	...	1	...	...	...	...	...	1	..	1	...	24	..	...	27	...
1st „ 8th „ ...	...	...	...	..	...	...	...	...	...	3	1	4	1	38	..	...	47	...
1st „ 10th „ ...	...	..	..	1	...	...	1	...	...	...	...	4	...	29	...	...	35	...
2nd „ 12th „ ...	...	...	...	...	..	..	...	...	...	1	...	1	...	41	...	...	43	...
Pioneers	..	...	..	..	..	...	...	...	...	...	1	...	...	14	...	...	15	...
Total ...	1	6	2	12	1	1	1	12	162	5	3	13	4	195	8	2	428	325

[1] These casualties were out of the half company serving with the pickets under Lieutenant Brown, amounting to about 52 non-commissioned rank and file. The battalion was at Naulniah with the baggage.

C—(*Continued*).

A Return of the Killed, Wounded, and Missing of the Detachment under the command of Major-General the Honorable Arthur Wellesley at the Battle of Assaye, against the Army of Dowlut Row Scindiah, on Friday 23*rd September* 1803—(Continued).

Corps.	Wounded.										
	Europeans.										
	Lieutenant-Colonels.	Majors.	Captains.	Captain-Lieutenants.	Lieutenants.	Cornets or Ensigns.	Lieutenant and Quarter-master.	Non-commissioned Staff.	Serjeants.	Trumpeters or Drummers.	Rank and File.
H.M.'s 19th light dragoons ...	...	...	2	...	2	...	...	...	6	2	28
4th Native cavalry	...	...	...	...	...	1	..	...	...	...	...
5th „ „	..	...	1	...	1	...	1	...	...	...	...
7th „ „	...	...	1	...	...	...	...	...	...	...	...
Detachment, 1st battalion artillery.	...	...	...	...	...	...	...	...	1	...	16
„ 2nd „	...	...	...	...	...	...	...	...	1	...	7
„ Bombay „	...	...	...	...	...	...	...	...	1	...	5
Attached to cavalry guns ..	...	...	...	...	...	..	...	...	...	...	...
H.M.'s 74th regiment ...	...	1	...	1	3	1	...	...	17	4	250
H.M.'s 78th „ ...	...	...	...	1	2	1	...	...	8	...	65
1st battalion 2nd M.N.I. ...	...	...	...	...	...	...	...	...	...	...	...
1st „ 4th „ ..	...	...	...	..	...	...	...	1	...	...	...
1st „ 8th „ ...	...	...	...	...	4	...	...	...	...	...	...
1st „ 10th „ ...	..	...	..	...	1	...	...	...	...	..	...
2nd „ 12th „ ...	1	1	...	...	4	...	...	...	...	...	...
Pioneers	...	...	...	...	...	...	...	..	...	...	...
Total ...	1	2	4	2	17	3	1	1	34	6	371

C—(*Continued*).

A Return of the Killed, Wounded, and Missing of the Detachment under the command of Major-General the Honorable Arthur Wellesley at the Battle of Assaye, against the Army of Dowlut Row Scindiah, on Friday 23rd September 1803—(Continued).

Corps.	Wounded—(*Continued*).									Missing.			
	Natives.									European and Native.			
	Subadars or Syrangs.	Jemadars or 1st Tindals.	Havildars or 2nd Tindals.	Trumpeters or Drummers.	Rank and File.	Gun Lascars.	Puckallies.	Total, European and Native.	Horses.	Rank and File.	Gun Lascars.	Total Missing.	Horses.
H.M.'s 19th light dragoons .	...	...	...	...	...	...	..	40	36	...	...	...	2
4th Native cavalry ...	...	...	2	...	24	...	...	27	22	...	...	..	...
5th „ „	...	...	2	...	28	...	...	33	26	1	...	1	...
7th „ „	...	4	1	...	27	...	..	33	27	...	...	...	...
Detachment 1st battalion artillery.	...	1	2	...	...	19	...	39	...	...	2	2	...
„ 2nd „ ...	1	...	...	...	...	7	...	16	...	...	..	...	...
„ Bombay „	...	...	...	...	...	8	...	14	...	...	...	...	...
Attached to cavalry guns ...	...	1	...	...	...	1	...	2	...	...	...	...	...
H.M.'s 74th regiment ...	...	...	...	.	...	...	...	277	...	...	...	...	...
H.M.'s 78th „ ...	...	...	...	...	...	...	...	77	...	4	..	4	...
1st battalion 2nd M.N.I.[1] ...	...	...	2	...	20	...	...	22	...	3	...	3	...
1st „ 4th „ ...	1	...	6	...	82	...	...	90	...	1	...	1	...
1st „ 8th „ ...	2	1	7	3	109	...	1	127	...	...	...	...	...
1st „ 10th „ ...	3	1	6	3	90	...	1	105	...	2	...	2	...
2nd „ 12th „ ...	5	5	9	...	160	...	...	185	...	...	...	...	...
Pioneers	...	3	2	...	46	...	...	51	...	5	...	5	...
Total ...	12	16	39	6	586	35	2	1,138	111	16	2	18	2

[1] These casualties were out of the half company serving with the pickets under Lieutenant Brown, amounting to about 52 non-commissioned rank and file. The battalion was at Naulniah with the baggage.

D.

Return of the Killed, Wounded, and Missing of the Troops under the command of Major-General the Honorable Arthur Wellesley, on the 29th November 1803, in the action on the plains of Argaum with the united Armies of Dowlut Rao Scindiah and the Rajah of Berar, commanded by the Maharajah and Munnoo Bappoo, Brother to the Rajah of Berar.

Colonel Wellesley's Division.	Europeans.			Natives.			
	K.	W.	T.	K.	W.	M.	T.
H.M.'s 19th dragoons ...	...	6	6	...	...	...	...
4th cavalry	...	...	...	1	1	...	2
5th ,, ...	...	...	...	...	...	...	...
7th ,, ...	...	...	...	...	...	1	1
Artillery	...	6	6	2	11	...	13
H.M.'s 74th	4	48	52	...	...	...	...
H.M.'s 78th	9	38	47	...	...	...	...
1st of 2nd N.I.	...	...	...	3	12	1	16
1st of 3rd ,, ...	...	1	1	5	36	...	41
1st of 4th ,, ...	...	1	1	3	29	...	32
1st of 8th ,, ...	...	...	...	...	3	1	4
1st of 10th ,, ...	...	...	...	4	4	1	9
2nd of 12th ,, ...	...	1	1	3	8	...	11
Total ...	13	101	114	21	104	4	129

Colonel Stevenson's Division.	Europeans.				Natives.			
	K.	W.	M.	T.	K.	W.	M.	T.
3rd cavalry	...	1	...	1	1	7	...	8
6th ,, ...	...	1	...	1	...	4	...	4
Artillery	..	5	...	5	...	1	...	1
H.M.'s 94th	2	37	2	41	...	...	...	...
2nd of 2nd N.I. ...	...	...	...	...	5	15	...	20
1st of 6th ,, ...	...	...	...	...	...	1	...	1
2nd of 7th ,, ...	...	...	...	...	..	2	...	2
2nd of 9th ,, ...	...	...	...	...	3	9	...	12
1st of 11th ,, ...	...	...	...	...	1	10	1	12
2nd of 11th ,, ...	...	...	...	...	...	10	...	10
Total ...	2	44	2	48	10	59	1	70
Wellesley's Division ...	13	101	...	114	21	104	4	129
Grand Total ...	15	145	2	162	31	163	5	199

	Horses.			
	K.	W.	M.	T.
H.M.'s 19th dragoons	...	...	...	...
4th cavalry	2	1	6	9
5th ,, ...	1	...	...	1
7th ,, ...	3	2	3	8
3rd ,, ...	3	3	...	6
6th ,, ...	9	3	2	14
Artillery	1	...	...	1
Total Horses ...	19	9	11	39

E.

Return of Ordnance, Fire Arms, &c., &c., taken by the Force in the south of Travancore under the command of Lieutenant-Colonel the Honorable A. Sentleger.

Where captured.	Guns.		Mortars, Brass.	Howitzers, Brass.	Hand Grenades of sorts.	Muskets of sorts.	Gunpowder, Barrels.
	Iron.	Brass.					
Arambooly Lines ..	33	17	2	...	48	851	80
Cunuia Comary Lines..	46	...	...	...	...	74	...
Action at Nagercoil ...	5	4	...	...	...	54	...
Oodagherry	124	26	3	1	...	500	...
Papanaveram	53	...	1	...	57	20,130	2,000
Coletchie	...	2	...	...	...	776	...
Tungapatam	2	2	...	...	...	76	...
Arloor	...	...	...	...	...	33	...
Poondra	...	2	...	...	...	388	...
Total ...	263	53	6	1	105	22,942	2,080

N.B.—A number of the above brass guns rendered useless by order, and several iron guns (about 20) destroyed on the coast; 12,000 stand of arms, 5 lacs of leaden balls, and 600 barrels of powder found at Trevandrum, now on the road to Oodagherry; also 140 pieces of ordnance to be removed from Trevandrum to Oodagherry for the purpose of being destroyed, together with about 5 lacs of leaden balls taken at Papanaveram. About one lac of round shot taken at Oodagherry not included in the above. For want of instruments it has not yet been sorted.

(Signed) J. C. FRANCKE, Captain,
Artillery.

(Signed) A. SENTLEGER, Lieut.-Col.

CAMP OODAGHERRY,
1*st April* 1809.

F.

Several disputes arose between the captors, as well as between the captors and Government, respecting the distribution of the property found at Amboyna, Banda, and the other islands. The spices alone amounted to 255,584 lb. of cloves, 307,549 lb. of nutmegs, and 55,378 lb. of mace, the whole of which was claimed by the captors, but it was ultimately decided by the Admiralty Court at Madras, in September 1811, that the captors had no right to any spices received into the Government stores after the surrender.

Two Dutch brigs, one taken by the Madras troops in the island of Bouro, and the other by those at Laricque, were seized by Captain Tucker as prizes to His Majesty's ship "Dover," the right of making such prizes being, in his opinion, restricted to His Majesty's ships of war. Two small vessels, captured by Ensign Roy of the Madras European Regiment at Saperoua, were taken possession of by Captain Tucker on the same ground.

The result of this affair has not been ascertained.

G.

The following is the estimate of prospective military charges after the capture :—

Regular Troops.

Artillery 480 pagodas ; Detachment Madras European Regiment, completed to 200 rank and file 1,800 pagodas ; victualling 750 pagodas. Total per mensem 3,030 pagodas, equivalent to Rs. 10,605, or 4,696-24-0 Spanish dollars.

Corps of Amboynese.

1 Captain, 1 Adjutant, 1 Serjeant Major, 1 Drill Serjeant.

Natives.

1 Adjutant, 20 Serjeants, 20 Corporals, 10 Drummers, 600 Privates, 7 Water-carriers, 2 Carpenters, 2 Smiths, 1 Bellows Boy, 1 Chickledar, 1 Chuckler.

Each man allowed one dram of arrack and one measure of rice per diem, and two measures of salt monthly.

Pay of the whole per mensem 2,994 Spanish dollars.

The men of the Amboynese corps were reported as being tractable, and of good physique.

father of the deceased's children had carried the children to Tanjore, where they were settled. He, the said Conary Row, after the death of his first son Ramachendra Row put his second son Sreenivasa Row in charge of the Jaghire and died sometime afterwards."

"Sreenivasa Row had four sons The eldest son Vencata Row succeeded to the Jaghire and had only one son who died before his father The second son Tremal Row adopted Suban Row, grandson of the aforesaid Ramachendra Row, during the lifetime of his eldest brother Vencata Row, and the said Vencata Row two years before his death put his said next brother Tremal Row in charge of the Jaghire"

"Tremal Row in the course of his administration was deprived of the Jaghire by the Nabab Walajah and was again restored to it sometime afterwards by His Highness. The said Tremal Row put the said Jaghire in charge of his grandson, the present Sreenivasa Row, son of the said deceased Suban Row, and died."

"This present very Sreenivasa Row had been eight years in the enjoyment of the Jaghire and lost it by the hostilities."

"According to the spirit of our Laws and in consideration of Sreenivasa Row's personal enjoyment, we are of opinion that he, the said present Sreenivasa Row, grandson of late Tremal Row, is the legal proprietor of the Ance Jaghire, which we think proper to offer for your Excellency's information."

(Signed)

Krishnasawmy,
Avanugudla Vencatachellum,
Ananda Row, Mahratta Serastadar of the Revenue Department,
Sadasiva Sivajee Pingala, Serastadar of the Military Department,
Ghery Row, Accountant of the Treasury,
Rama Row, Assistant Dewan,
Muddopaty Vencata Narsu,
Do. Mada Row, } Persian Serastadar of the Revenue Department.
Terygam Narasanah,
Asvanta Row, Ramachender, one of the Mutsuddies.
} Dubashes of the Nabob.

Madava Row Ragavaut, Conongoe-General of the Carnatic, Deccan.
Bavani Sankera Row, Depy. do. do do.
Janardana Row, Mahratta's Vakil.
Triambuga Sambajee, Vakil to the Raja of Tanjore.
Purshotma Seetaramiah, Sea Customer's Head Comcoply.
Anantasawmi Achiah, Grain Comcoply.

Polagree Condaliah, Naymaster's Head Comcoply
Polypoola Bogavanloo, Renter of Ponnary
Ananda Row, late Amildar of Trichinopoly.
Anumanta Ramjee, Gumasta to Buckinjee
Shamjee Govindoo, do to Goverdandoss Vinajeedoss
Causham Sooradat
Jugganant Sadasiva Tanker
Tremujee Balasara
Suba Row Gopal Row.
} Soucars.

Narasingapooram Detchadar.
Raupore Tirumasastry
Mula Sashadry Sastry.
Raupore Ragava Somagoloo
Modychoin Sawmy Sastry.
} Head Brahmins well versed in the laws.

Seenavansaloo Gopaulah.
Rauvenoottu Venoota Ramiah.
Do. Venoota Rayalu.
Vencotachella Sastry.
Chittrala Veeraraghava Sastry.
Cola Eckumesun Somajooloo.
Avadanum Soopaniah.
Canopurty Venoatasa Sastry.
Pooanum Krishna Sastry.
Latchmana Somajooloo
Codavanoor Krishnah
Soorum Jaghu Sastry
Meachela Padmanab Sastry.
Sreenivasa Sastry
Ramakrishnajah Nandan
Sulla Venoatachellah
Vencotachella Sastry.
Polapagoda Sawmy
Bommagunty Sankeriah
Timasara Somajaloo
Guntoore Sooba Narayah
Bommagunty Seetaramah
Cardugoly Rungiengar
Sreenivasa Raghava Charlu
Saraswady Venoatrayloo Sastry
Canakambra Sastry
Narasingapooram Appanjee Iyengar
Aspoore Sreenivasa Sastry
Bhula Josiah
Sovurnum Soorrah Narain
Anipoore Venoata Varda Charry Soorapah.
Culloor Venoata Narayah

} Head Brahmins well versed in the laws.

The President delivers in the original papers of which the translated copies are herein inserted

Signed JOHN HOLLAND.

10th July 1781.

True Copy

(Signed) R. C. C. CARR,
Ag. Under Secy. to Govt.

4.

To

EDWARD SAUNDERS, Esq.,

PRESIDENT AND MEMBERS OF THE BOARD OF REVENUE.

GENTLEMEN,

1. We herewith transmit copy of a letter from the Supreme Government on the subject of the succession to the Jaghire of Arnee with copies of two letters from the acting preparer of reports in Bengal the decision of the Governor General in Council on a similar case.

2. We also transmit copies of the answers of the Pundits of the College at Benares

and those of the Pundits of the Sudder Dewanny Adawlet respecting the laws of adoption, together with copy of Lord Hobart's minute, and of our resolution thereon.

3. You will observe that your enquiries are to be directed to the circumstances that occurred previous to the death of the late Sreenivasa Row, whose right to the Jaghire appears to us from every information we have been able to obtain, to have been fully established.

We are,
Gentlemen,
Your most obedient and humble servants,
(Signed) HOBART.
„ E. SAUNDERS.
„ E. W. FALLOPEL.

Fort St. George,
26th *November*, 1795.

5.

To

THE RIGHT HON'BLE LORD HOBART,

GOVERNOR IN COUNCIL OF FORT ST. GEORGE,

Political Department.

MY LORD,

1. In reply to your Lordship's letter of the 9th April 1794, respecting the succession of the Jaghire of Arnee, we have the honour to forward to you the answers of the Pundits of the College at Benares and those of the Pundits of the Sudder Dewanny Adawlet to the questions stated by the Board of Revenue to the Sastries.

2 We likewise transmit to your Lordship copies of two reports, and our decision, respecting the succession to the Zemindary of Rajishahy, one of the principal landed tenures in Bengal, containing a full discussion of the Hindoo Law respecting the adoption of a son by a widow, in virtue of authority from her husband, and because the point at issue was exactly similar to that which you have referred to us, viz, whether, according to the Hindoo Law and the usages of the country a son so adopted is entitled to inherit the property of his adoptive father, in preference to any other collateral relations by blood.

3 From these documents your Lordship will observe that, in Bengal, a son adopted by a widow, agreeable to the Laws of the Shaster, in virtue of authority from her husband, both according to the Hindoo Law and the usage of the Mahomedan Government is considered in every respect the same, with regard to the inheritance of property as a son the immediate issue of his adoptive parents, and supposing the lands held by the adoptive father to be hereditary, and never to have been divided, but always to have devolved entire to the eldest son or nearest heir, the adopted son would be entitled to the exclusive possession of the lands, in the same manner as they were held by his adoptive father, or his ancestors

4 In communicating these documents, we confine ourselves merely to reply to the reference from your Presidency, and it remains with your Lordship to decide on the application of the principles suggested by them to the case in question

We have the honor to be,
My Lord,
Your Lordship's most obedient and humble servants,
(Signed) J SHORE.
„ P SPEKE
(True Copy,
„ W COWPER
„ D INGE,
Deputy Secretary

Fort William,
16th *October*, 1795

6.

To

EARL CORNWALLIS, K.G.,

GOVERNOR-GENERAL IN COUNCIL, &c. &c. &c.

MY LORD,

Having obtained some further lights on the subject of the laws of adoption since my address of the 5th ultimo, I lose no time in submitting them to your Lordship's consideration.

The age limited by the Shaster for the adoption of a son is, as I have already observed five years, and the reason of this appears to be that the ceremony of inauguration, viz., shaving the head and boring ears, ought in strict propriety to be performed within the period in question, but as this last, though by many held to be a positive precept, is susceptible, according to the prevailing practice, of considerable latitude, it becomes a question worthy of investigation whether of the ceremony of inauguration may be postponed, the period fixed for that of adoption also may not be proportionably prolonged.

In this idea I stated the following query to the Pundits in the employ of Government:—

"If a child whose age exceeds five years have not undergone the ceremony of inauguration (*i.e.*, shaving the head and boring the ears), is he eligible for adoption notwithstanding the excess in his age till such ceremony shall have been performed or not?"

To this question the Pundits returned the following answer:—

"If a child of more five years of age have not undergone the ceremony of shaving the head and boring the ears, such a child is not disqualified for adoption though his age does not exceed five years until that ceremony shall be performed." This is the Law of the Shasters.

(Signed)	Horu Narain Shormonoh.	
,,	Kolee Shonkor	do.
,,	Horee Deb	do.
,,	Kam Das	do.
,,	Gowry Kant	do.
,,	Kathu Nauth	do.
,,	Ram Reshob	do.
,,	Krishna Proshand Shormonoh.	
,,	Krepa Ram	do.
,,	Shyanm Soonder	do.

Thus it appears that, if the age of a child even exceed five years, he is eligible for adoption, so long as the ceremony of inauguration be not performed. How far this principle may be favourable to the pretentions of Ramkishen, your Lordship will determine: it only remains for me to observe that his late competitor, Gunga Preshand, has produced no proof to invalidate the assertion of Ramkishen's witnesses that the ceremony in question had not been performed when his adoption took place.

I am,

My Lord,

Your Lordship's most obedient, humble servant,

(Signed) G. C. MEYER,

Ag. V. R. R. D.

KHALSA,
4th July, 1788.

7.

BOARD'S MINUTE.

Consult.
20th August 1788.

In examining a transaction which is stated to have taken place thirty years ago, great allowance is to be made with respect to the evidence produced, as it cannot, in the common course of things, be as complete as a transaction of more recent occurrence would admit.

But in the cause now before the Board for decision, the proofs exhibited by Rajah Ramkishen, in favor of his adoption, are not only presumptive but positive; and they derive additional weight from the testimony of Mahomed Reza Cawn, declaratory of an acknowledgment by the former Government of the country of Rajah Ramkishen's adoption. The transactions to which his testimony refers happened in the Bengal year 1167, or twenty-eight years before the present period.

The facts set up by the contrary party are two only, of which the second, viz., that the age of Rajah Ramkishen, at the period of his adoption, exceeded the term limited by the shaster, is completely done away by the testimony of the pundits, exhibited the second report of Mr. Meyer.

In support of the first assertion, that no written authority was granted by Raja Ramkaunt to the Ranny empowering her to adopt a son, the greatest part of the evidence adduced by the opponent of Rajah Ramkishen scarcely applies to the question. That of the Native Surgeon Duloll is the most pointed, as, it admitted, it proves Raja Ramkaunt to have been incapable of any deliberative act at the time he is stated to have signed the authority. That of Gourmahun, the first witness, is next, although it is reconcileable to the testimony in support of the signature of Ramkaunt; the whole of this evidence amounts to no more than being at Burrnagur where the Rajah died, and being acquainted with him; he heard nothing of any authority given to the Ranny; the whole of the testimony may be admitted without affecting Raja Ramkishen's claim.

The Governor-General in Council, therefore, having weighed the whole with mature deliberation, is of opinion that the claim of Rajah Ramkishen, the Zemindary of Rajeshahy, according to the rules of the Hindoo law and the usage of the country, is clearly established by the enquiry into it made by the acting preparer of reports.

That as the Hindoo laws are declared to be the guide of Government in all disputes regarding property, they must be allowed to operate to their fullest extent, more especially in the present case, in which the rejection of them would not only be considered as a subversion of established laws, but an offence against the most revered religious prejudices.

Revenue Department.

(A true Extract.)

(Signed) G. H. BARLOW,
Sub-Secretary.

(True Copies.)

(Signed) D. INCE,
Deputy Secretary.

8.

Extract from the Proceedings of the Governor-General in Council in the Revenue Department.

Consult.
30th July 1788.
To

EARL CORNWALLIS, K.G.,
Governor-General in Council, &c., &c.

My Lord,

I have now the honour of laying before you the result of my enquiries into the pretentions of Ramkishen to the succession to the Zemindary of Rajeshahy, as directed by your

Lordship's resolution of the 30th of March 1787. Previous, however, to entering into the detail of this investigation, it is proper to observe that in consequence of the publication made at the Khcolsa, in pursuance of your Lordship's order to ascertain whether there were any other claimants besides Ramkishen, one candidate only appeared, which was Gungapershand, the direct heir to this Zemindary by blood being the great grandson of Bishen Ram, the brother of Ram Juwan Ray, who appears to have been the founder of the Zemindary in question. This person, however, dying a short time since without male issue, his widow, agreeably to the Hindoo law, is now entitled to prosecute the claim to the succession in her husband's right. This being premised the next, a point that claims your Lordship's attention as essentially necessary to the forming of a right judgment on the merits of these causes are the principles of the Hindoo law with respect to adoption which, as far is requisite for the due understanding of what follows, may be reduced to nine heads :—

1*st*.—That a widow provided she possess a licence, or written authority from her husband, is competent to adopt a son.

2*nd*.—That a widow possessing such authority is not restricted to any period of time to carry it into effect, but may proceed to the adoption whenever it suits her convenience and inclination.

3*rd*.—That the age of the child to be adopted must not exceed five years.

4*th*.—That the ceremony of shaving the head and boring the ears must not have been performed by its natural parents.

5*th*.—That the child be not an only or eldest son.

6*th*.—That the natural parents must be of the same caste with the adoptive parents and of equal rank in their common tribe.

7*th*.—That the surrender of the child by the natural, and the acceptance of it by the adoptive parents, be entirely voluntary.

8*th*.—That the rites of affiliation as prescribed by the shaster be performed either in whole or in part.

9*th*.—That the adoption be made with the concurrence of Government.

The above rules having been previously ascertained beyond controversy by reference to the principal pundits, both of Nidda and Calcutta, Ramkishen was required to prove that they were duly observed at his adoption, to which end he produced, in the first place, a Bengal paper purporting to be a licence under the signature of Rajah Ramkaunt authorizing the Ranny to adopt a son after his decease.

The following is a translation of it:—

"To Bhowany Debya, I grant this licence in the year 1153, being afflicted by an "inveterate disorder which increases daily and unable to foresee what the divine pleasure "may ordain to happen the next moment. It was my wish to adopt a child myself, but at "present there is none at hand; to send for one would be attended with a delay which I could "have no hopes of outliving; I therefore of my own free will permit you to adopt a son after "my death whenever you may meet with a child. You will adopt him in my name, so that the "daily offerings for the salvation of our souls may be duly performed and our possessions and "dignities perpetuated. These duties shall appertain to that son and his posterity and to no "one else. Furthermore, you will be careful to educate him properly, and in due time commit "possessions and dignities to his care. If you fail herein, the sin of neglecting my salvation "will be upon you. I have granted you this licence and am thereby exonerate.

"This you will duly consider and act accordingly."

Dated 9th of Suwun at Burrnagur.

(Signed) RAMKAUNT SERMONOH.

To prove the authenticity of this paper, and that the consequent adoption of Ramkishen was made in conformity to the laws of the shaster, the following witnesses were pro-

duced, consisting chiefly of the late Rajah's domestics, who were present and assisted at the adoption :—

1*st.*—Nielamber, the khunsaman or steward of the late Rajah, deposes on oath that four days previous to his Master's death, the latter having no hopes of recovery, expressed his desire to Gopaul Chowdry (one of his confidential servants) of providing for the celebration of his obsequies and of having a child procured for that purpose. That Gopaul Chowdry consulting thereupon with the Rajah's relations and principal domestics, they suggested that the procuring of a child at that critical juncture would be attended with too great delay, and recommended that the Rajah should be requested to sign a licence, by virtue of which an infant might be duly selected afterwards. In conformity to his advice, Gopaul Chowdry drew up the Bengal writing now produced by Ramkishen, and carried it to the Rajah, who signed it in his (the deponent's) presence, adding a verbal injunction also to the same effect. That sometime after the Rajah's demise, Tara, his only daughter, being of a marriageable age, the Ranny, purposing eventually to adopt one of her children, disposed of her in marriage, but that four or five years after her husband dying without issue, the Ranny and her family went on a pilgrimage to Benares. That on her return from thence, the subject of the adoption being renewed, Hurdee Roy, one of the deceased Rajah's relations and of equal rank and caste, made in the month of Assur 1165 a voluntary surrender of his second son, whose elder brother was then living, to the Ranny, who, in the same month, adopted him with the usual ceremonies. The witness adds that the age of Ramkishen was then three years within three or two months more or less, that the ceremony of investing him with Pabect, or Brahminical thread, was performed four years afterwards.

2*nd.*—Jagannaut Bhadree, former Dewan of the Ranny's household and still in her family, being duly sworn, gives the same relation of the circumstances attending the execution of the deed of licence as the preceding witness. He adds that he gave the pen to the Rajah, who at the same time of signing the paper was in complete possession of his faculties. This account of the subsequent adoption of Ramkishen corresponds with that of Nielamber, khunsaman, with this variation however, that he states the child's age at the time of his adoption to have been four years five months twenty-seven days. He adds that when the ceremony investing him with the Brahminical thread was afterwards performed, the child's name was for the first time changed to Ramkishen.

3*rd.*—Thaum Takoor, a Brahmin now in the service of Ramkishen, and formerly in the late Rajah's family, confirms on oath the preceding circumstance respecting the preparation of the deed of licence, and seen the Rajah sign it farom without the door of his apartment. He has no knowledge of the subsequent adoption of Ramkishen, as he was then absent from Rajeshahy.

4*th.*—Bhowany Pershaud Moctre, an inhabitant of Rajeshahy and a domestic of the Ranny's, corroborates on oath the above facts relative to the preparation of the deed, and knows the paper now produced to be the one then executed by the Rajah. It is proper to observe that this witness first affirmed that he had the Rajah's order the deed to be drawn up, but on being cross-examined he retracted that assertion, and alleged that he heard the circumstance from Dyarum. His account of the adoption of Ramkishen is to the same purport as that of the first witness, with this difference, that he describes the child in like manner with Jagannaut Bhadree to have been about four years and six months' old at the time of his adoption, and declares that the ceremonies of investing him with the Brahminical thread was performed two years or two years and a-half afterwards, and that his name was first changed to that of Ramkishen at the time of his adoption.

5*th.*—Ramkishen Chowdry, the son of Gopaul Chowdry, an inhabitant of Builghurreak, and a moonshy of the Ranny's, deposes on oath that he has heard from his father (a confidential servant of the late Rajah's) that four days before his death, Rajah Ramkaunt gave a deed of licence to the Ranny authorizing her to adopt a son. He knows the Rajah's handwriting, and declares that the signature affixed to the deed now produced by Ramkishen

is his. The account he gives of the adoption of Ramkishen from his own knowledge is the same as the preceding, and his age he stated to have been four years five months and twenty-seven days. He also adds that the child's name, which was originally Kishen Pershaud, was changed to that of Ramkishen two years afterwards, when the ceremony of shaving his head and boring his ears was performed

6*th*.—Bhowanny Cheran Nayusbey, a pundit residing at Burnagur (having subscribed the affirmation prescribed by the Judicial regulations), declares that five days previous to Rajah Ramkishen's death, being in the temple of Raja Rajesseree, offering up prayers for his recovery, he heard, but from whom he does not recollect, that Gopaul Chowdry had recommended to the Rajah the adoption of a son, and that the latter had approved of the proposition and authorized Gopaul Chowdry to draw up a written authority for that purpose. That the deed was accordingly prepared, and, as he understood from Gopaul Chowdry, signed by the Rajah That eight or nine years after the Rajah's death, the Ranny, who had hitherto delayed the adoption in hopes of a grandson, having prevailed on a Huidee Roy, one of the late Rajah's relations and of the same caste, to make over his second son Kishen Perchaud (who was afterwards called Ramkishen), adopted him publicly in the temple of Raj Rajesseree with the usual forms and ceremonies That he was himself present on the occasion, and discovered from astrological calculations that the child's age was about four years and a-half This witness also declares that shortly after the ceremony of the adoption, he heard the Ranny announce to the Brahmins and people assembled on the occasion that she had given the child the name of Ramkishen

7*th*.—Kerpuram Turkbhoosem, a pundit residing at Nadia (having signed the usual affirmation), declares that he has heard from various people that when Ramkishen was adopted by the Ranny, his age was four years and a half, but his knowledge does not extend beyond hearsay

8*th*.—Ramnarain Turkpunchanun, a pundit of the same place, declares in like manner his having heard that when the Ranny adopted Ramkishen, he was four years and a-half old

9*th*.—Ram Chundra Bhuttacharge, a pundit of Burdwan, declares that during the period of his residence at Burnagur with Ram Gobind Turkbagees, under whom he studied the shaster, he accompanied the latter to an entertainment given by the Ranny, but in what month or year he does not recollect, that he was witness to Huidee Roy's surrendering his son to the Ranny in the temple of Raj Rajesseree, where the necessary ceremonies were performed, and heard from Ram Gobind that the child was about four years or four years and a-half old, which he also, he observes, concluded him to be He adds that he was also present at the ceremony of investing him with the Brahminical thread, and that this happened three years after the adoption The above is the substance of the verbal testimony adduced by Ramkishen to establish the legality of his adoption, and to prove that it was further made with the knowledge of Government, he appealed to a sunnud granted to him in 1767 by the Nabob Mahomed Reza Khan for the Zemindary of Noorullapore, in which he is recognized as the adopted son of the late Raja Ramkaunt To ascertain the validity of this plea I wrote to the Nabob, and the following is a translation of his answer —

"You request me to inform you on what grounds and of what authority Raja Ram-
"kishen is stated to be the adopted son of Raja Ramkaunt, in the sunnud possessed by him
"under my seal, for the Pergunnah of Noorullapore The case is this In the time of
"Nabob Meer Mahomed Jaffer Khan, previous to my administration, Raja Ramkishen
"was constituted the adopted son of Raja Ramkaunt, he used to attend me on the business
"of Rajshahy, and upon the Zemindary of Noorullapore being granted to him, my officers,
"at the time of inserting the words *adopted son of Raja Ramkaunt*, investigated the matter, when
"Dyaram, the Dewan of Rajshahy, produced a written authority from Ramkaunt to the Ranny
"Bhowanny empowering her to adopt a son, and a declaration of the pundits agreeably to the
"Hindu laws, and alleged that by virtue of those the Ranny had adopted Raja Ramkishen,

" with the knowledge of the Nabob Meer Mahomed Jaafer Khan. As this was also confirmed " by the officers of the Khulsa, Raja Ramkishen was styled the adopted son of Raja Ramkaunt "*in the sunnud for Noorullapore.*"

This letter closes the evidence on the part of Ramkishen. It is now proper to advert to the counter proofs adduced by his competitor to establish the following facts :—

1*st.*—That no written authority was granted by Raja Ramkaunt to the Ranny empowering her to adopt a son.

2*nd.*—That the age of Ramkishen, at the period of his adoption, exceeded the term limited by the shaster, *viz.*, five years.

The substance of the evidence delivered on these heads is as follows :—

1*st.*—Gour Mohun, a Gosain inhabitant of Mirzapoor, swears that he was at Burrnagur at the time of the death of Raja Ramkaunt, and saw him at his own house fifteen days before his decease, but never heard any mention of an adopted son, nor ever saw or heard of a written authority granted by him to the Ranny for that purpose; that in Kanlic 1166 he understood from Gopal Moitre, Dyaram Roy's Dewan, that the latter with other of the Raja's servants had been consulting about the adoption of the second son of Hardeoray, but that no mention was made of any licence or paper of authority. That afterwards, about the end of 1167 or beginning of 1168, the child was brought to the temple of Raj Rajasserie, when Hurdeo Roy, his father, formally surrendered him to the Ranny in the presence of a large assembly of Brahmins and the Ranny's family.

That on enquiring of Dayaram Roy the child's age, he replied that he was seven or eight years old, which he, the deponent, also judged him to be. He adds that the child had been carried to the Ranny's house about one month before the adoption took place, and that his having been adopted at a more advanced age than was allowed by the shaster was at the time the subject of private conversation.

2*nd.*—Beyye Ram Pundit, an inhabitant of Baloochur, swears that about the end of 1167 or beginning of 1168, he went to the house of a relation of his of the name of Ramanaut Seddhant at Burrnagur. That after his arrival there, he accompanied him to an entertainment at the Ranny's house the day that she adopted Ramkishen, whom he conceived to be about seven or eight years of age; which was also the opinion of everybody else, but he did not observe whether the ceremony of shaving the head and boring the ears had been performed or not. He adds that in 1170, when the child was about ten or eleven years' old, he was invested with the Brahminical thread. It is proper to observe that this witness contradicted himself repeatedly when questioned particularly respecting the time and manner of the abovementioned entertainment.

3*rd.*—Ramjee Roy, an inhabitant of Mehland, deposes, on oath, that being sent to Derpnarain, one of the Ranny's principal servants at Burrnagur, by Ramnaut Bhadru to adjust the account of a form held by him, he arrived there on the 10th or 12th of Assarh 1168. That having waited on Derpnarain, the latter declined entering into the business then, observing that the Ranny had adopted a son five days before, and that it was necessary he should go and present a Nazar or offering of congratulation. That on the 8th or 9th following, he the deponent also went with Derpnarain to the Ranny's house, where having an opportunity of seeing Ramkishen, he guessed him to be seven or eight years' old, but did not observe whether his ears had been bored or his head shaved.

The inconsistency in the above dates being objected to the witness, he pleaded in his excuse the length of time which had elapsed since the transaction happened.

4*th.*—Hurrey Pershaud Soudiyal, a priest of Gobina, an idol at Gamula, swears that in the month of Cheit 1167 or 1168, Ramkishen, then Kishen Pershaud, with his mother, grandmother and his two brothers and sisters, came to Gamula to perform their ablutions in the Ganges. That seeing Kishen Pershaud, he enquired his age of the grandmother, and was

informed that he was entering on his eighth year, and that the Ranny wanted to adopt him; he adds that he afterwards heard that he did adopt him accordingly.

5th.—Dalaul Roy, formerly servant of Bumnant Bhadru and now an inhabitant of Ghunneshaumpoor in Moorshedabad, swears that in the month of Assar 1168, the Ranny adopted Ramkishen, and that in the following month he waited on him with a congratulatory present from his master He declares that he judged him to be then seven or eight years of age, and that on questioning several of the Ranny's family they confirmed his conjectures. He does not recollect whether or no the ceremony of shaving his head and boring his ears had been performed, and Ramkishen having his upper garments on, he could not ascertain whether he had been invested with the Brahminical thread or not. It is observable that this witness having in the first stage of his examination been desired to state his age, he declared that it was seventy or seventy-five years, being afterwards asked how old he was at the time of the adoption of Ramkishen, he represented, after considerable hesitation, that his age was then sixty years, the absolute impossibility of his being next objected to him, he alleged, in extenuation of his error, that he had spoken from conjecture

6th—Dulaul, a Native Surgeon and inhabitant of Bamunghata, declares on oath, that he was called in, with a French physician, to attend the late Raja Ramkaunt in his last illness, that finding medicines had no effect and that the Raja was insensible, they left him, five days after which he died, he adds that while he was there he heard no talk of an adoption.

7th—Neelkunt Roy, an inhabitant of Rajeshahy, swears that in the beginning of 1166 or 1167, being at Burnagar, he went, by invitation, to the entertainment given by the Ranny to the Brahmins on the occasion of Ramkishen's adoption, which had taken place about one or two months before

That Ramkishen, as far as he could judge, must have been seven and a-half or eight years' old, which was also the opinion of his (the deponent's) father-in-law, Morohun Bhuttacharge, who went with him to the entertainment

It is here proper to observe that Durnul Roy, the fifth witness, proceeded on the part of Gungaperhand, having, in describing the price of his abode at Burnagar, observed that there were four out-houses contiguous to the gateway of Ram Bhadree's house, the Vakil of Ramkishen, with a view to invalidate his testimony by disproving this fact, brought two witnesses, viz, Ramkishen Mujmoondar, an inhabitant of Burnee, and Doolukhan of Ghevasabad in Rajeshahy, both of whom agreed in declaring on oath that there were no such out-houses as mentioned by Dulaul Roy, but on being cross-examined, the former represented that the gateway of Ramnaud Bhadree's house was built of brick, while the latter maintained that it was built of clay

Ramkishen Mujmoondar also added that going to Burnagar in the month of Assurah 1165, he heard at the Ranny's house that she had adopted a son The other witness likewise observed that about the close of the month aforesaid, he went in the retinue of Dyanun Roy, the Ranny's Dewan, to her house the day she adopted Ramkishen, and that he heard Dyanun declare that his age was then four years and a-half

Having now recited the evidence on both sides of the question, it is necessary to call your Lordship's attention to a circumstance in the present cause of the first importance

At the commencement of this enquiry, a representation was delivered in by Ramkishen explaining the nature and grounds of his pretensions as preparatory to his producing the evidence required by the Board In this paper there is the following remarkable passage —

"Every year she (the Ranny) used to nurture a child of some of her relations, but "none proved fit for adoption At length the Ranny brought me the son of Hurdee Roy, the son "of Mahudeo Roy, the son of Obhy Ram Roy, my age being then four years I was approved of "by everybody according by virtue of the licence of Raja Ramkaunt, her deceased husband,

"and in conformity to the law of the Hindus and the opinion of the pundits of every province she, in the month of Bysaae in the beginning of the Bengal year 1167, adopted me for her son." Your Lordship will doubtless observe that by this account Ramkishen would seem entirely to overset his own claim, since he acknowledges himself to have been six years' old when the Ranny adopted him; he also represents that his adoption took place in the beginning of 1167, which is not only a direct contradiction of the evidence of his own witnesses, but a clear confirmation of that of his opponent. These inconsistencies being objected to, Ramkishen, his agent, endeavours to palliate them in the following manner:—

"In the Bengal year 1165, the Maha Ranny Bhowany took Raja Ramkishen to her "own house, and Hurdee Roy, his father, having formally renounced his paternal rights, gave "him to the Ranny for adoption. At that time the Raja was a mere infant, being only four years "of age, and the Ranny having performed the Bearhetee, which is the initial ceremony of "adoption, directed her attention to his education. Although a person in infancy sees all that "passes, yet for want of capacity he cannot retain every circumstance in his memory with "precision. At the time the Maha Ranny adopted Raja Ramkishen, my uncle, Ram Gopaul, "was the manager of her affairs, but he is since dead, and when the representation under my "constituent's seal was delivered in and requisition at the beginning of this enquiry, none of "the old and experienced servants had arrived, by reason of which the circumstance of the "*Bearhetee Ham*, which was performed at the time of adoption, was not inserted in that repre-"sentation. But afterwards, when these servants arrived and the Raja transmitted an answer "on the 26th of Sawun to the public requisition which was made to her, and when the "evidence of my constituent's witnesses was taken, the circumstances of his adoption and "the ceremony above mentioned were clearly elucidated. Moreover, in the Bengal year 1165, "the balances outstanding in the Pergunnahs of Rajeshahy, &c., were assigned for the pay "of the troops of Government; and the Zemindarry was, in consequence, thrown into "extreme confusion and disorder, whereby the solemnization of Pootreshtu Jugg (or ceremony "of affliction) was necessarily postponed, till means for defraying the expense could be pro-"vided, which, at the time, was impractiable. But afterwards in the month of Bysack 1167, "it was proved. Possibly this last ceremony having come to the knowledge of the witness of "Gangapershand, who are mere strangers and have no connection with the business, may "have led them to represent the adoption as having been made in the Bengal year 1167. The "inconsistencies, however, in the evidence and my questions put the matter beyond doubt."

How far this explanation can be admitted as probable and satisfactory, your Lordship will determine: it is only necessary for me to observe that the pundits are all agreed; the postponement alone of the Pootreshtu or ceremony of affliction would not invalidate the adoption.

There remains now but one question unexplained, viz., whether by the Raja "Moulk "or custom of the country, it has been usual for the Mahomedan Government to admit of "succession to Zemindarries by adoption or not." The Sudder Canongoes and the Nabob Mahummud Raja Khan, whom I consulted on this subject, agree in the affirmative; as your Lordship will perceive from the following translation of their opinions:—

1*st*.—"When a Zemindar, in default of male issue, adopted a son, his Zemindarry and "property of every kind agreeably to the Rajoi Moulk, or custom of the country, will devolve "after his demise to the said son, provided that his adoption be legal; and this usage obtained "in the time of the former Governments."

(Signed) LUCHMYNARAIN ROY,
Cango.

2*nd*.—"If a Zemindar, in default of male issue, should adopt a son, his Zemindarry "and all the inheritable property which he may leave will, on his demise, descend, according "to the custom of the country or common law, to his adopted son, and this was the practice "under the former Governments."

(Signed) MEHENDER NARAIN SINGH,
Canugoe.

3rd.—"In the time of former Rulers, Zemindarries used to devolve to adopted sons, "the nature of an inheritance. Thus on the demise of Pradmnauth, formerly Zemindar of Dinage, "his Zemindarry was settled on Ramkaunt, the adopted son; and also on the demise of Narayan "Roy, the Canongo and Zemindar of Ronkupore, both the Canongo and Zemindarry, were "vested in his adopted son, Derpnarayen, after whose death, it descended to his son Sheon, "and on the latter's decease to his adopted son Luchmynarayen.

"In like manner, the Zemindar of Nuhmoodshahy was confirmed to Rajhoodoss Roy, "the adopted son of Ram Deo Roy; that of Rajshahy, &c., which was held by Ram Juvun to "Ramkaunt, the late son by adoption, and of the smaller Zemindarry there are many in this "predicament. The succession of an adopted son to a Zemindarry took place with the know-"ledge of the Government, and among the Hindus a son by adoption inherits all the property "of the deceased, exclusive of the Zemindarry."

(Signed) MOHUMMED.
(Signed) L. RESA KHAN.

Having now brought the detail of this enquiry to a conclusion, I shall only beg leave to trouble your Lordship with one general observation respecting the evidence produced by Ramkishen In transactions of a private and domestic nature, servants in general are allowed, by the law of the Hindus, to be competent witnesses; at the same time the prejudices attending the relation of master and servant in this country are such as would render it highly improper to annex the same degree of credit to their testimony as is due to that of an indifferent or altogether prejudiced person—a consideration which your Lordship must be aware should, in weighing the evidence on both sides, be duly attended to.

I have the honor to be,
My Lord,
Your Lordship's most obedient servant,
(Signed) DAN INCE,
Deputy Secretary.

KHALSA, *5th June* 1788.

(True Copy.)

(Copy).

Translation of the answers of the Pundits of Benares to four questions stated to them by the Resident at Benares.

Answer to the first query:—

Should a person without issue order his wife to adopt a son, without particularizing the name of any person, and afterwards die, and should his wife adopt a son for her husband, it is certainly admissible, and the adopted son will have a right to his inheritance and the property left by him.

Answer to the second query:—

When a person who has an inheritance takes possession of it of his own accord, the order of the sovereign is not, in that case, necessary.

Answer to the third query:—

Zemindars, Jaghiredars and other proprietors of hereditary estates may nominate one of their kindred to succeed to their Zemindary, &c, and if any person has in this nominated one of his kindred, it is proper and valid. But should a Zemindar, &c., passing over his kindred name another person, in such case an application for authority of the sovereign would be necessary to prevent the molestation of the heirs, bestow upon another a Zemindary, &c., acquired by himself, the right of such heirs would be rendered void. But the right of a person to whom a Zemindary, &c., has descended hereditarily, is not rendered void by the nomination of another person.

Answer to the fourth query :—

If an hereditary property escape from the possession of a person, and he be at hand, and do not interfere for twenty years; after twenty years it falls to the sovereign, and should the owner have gone to any other place and should return in sixty years and before three generations have gone by, he may repossess it, but should he not return, such property would subsequent to that period lapse to the sovereign. This according to the authorities received in Benares, should any person be dispossessed by another from an hereditary property and in case of being at hand should take no account of it. He may yet repossess himself within a hundred years and before three generations have gone by, but will not receive the produce; after a hundred years it lapses to the sovereign. Should the hereditary property fall into the possession of one of his kindred, the owner or his descendants may take it at pleasure and it will never pass to the sovereign.

Dated 3rd December 1794 E. S.

(A true Translation.)

(Signed) F. STUART,
Deputy Registrar.

REVENUE DEPARTMENT.

(A true Copy.)

(Signed) G. H. BARLOW,
Sub-Secretary.

(True Copy.)

(Signed) DAN INCE,
Deputy Secretary.

Translation of the answers of the Pundits of the Sudder Dewanny Adawlut to four questions put to them by the Court.

Answer to question 1st :—

Should a man, without sons, have previous to his death directed his wife to adopt a son, and should that woman after his death, performing by means of Brahmins the things prescribed in the Bedes, adopt a son, that adopted son would be approved. On this head the words of Boses to Moinu are thus :—"A man without any seed, son, may, with care, take a son from any of the Ksatriya, &c., eleven species of son;" and thus are the words of the supreme, "The after residence of a man without sons is not good." There is a further saying of Bosets Moonee that "a wife can adopt a son by the orders of her husband;" to this effect are the words of Parasur : "Invocations, sacrifices, pilgrimages, feasts, &c., performed by the means of Brahmins are approved, and should a wife in this manner adopt such a son as is approved by the shaster, the adopted son may take the whole property of her husband." The words of Jaffoo Bulkeo are thus : Of the twelve species of sons, the first species failing, the others in turn succeed," and thus are the words of Menu : "If a man should have adopted a son from a foreign line if he be capable of performing the offices of a son, he will be the proprietor of all the property of him whose adopted son he is."

Answer to question 2nd :—

For the possession of the hereditary property of a seed child, the order of the Raja is not necessary. After the death of the father, the son is, without doubt, the proprietor of the hereditary property. On this subject Narrad Mooni says : "After the death of the father and mother, the son is proprietor, and thus are the words of Menu : "While there is a son, the son is proprietor of the property of the father; either father's brothers or the father's father has no right of property." If any one oppose a son in taking possession of his heredi-

tary property, then it is proper that the Raja establish him in his right. It is laid down in the Ramoyan that the Raja who does not protect his subjects will go to the regions of punishment, and thus Brospathee Moonee: "Good and evil and existence are in the hands of the Raja, and in like manner in the hands of the supreme."

Answer to question 3rd:—

A Zemindar cannot, without the orders of the Raja, appoint a successor except his lineal descendants. Gotoun Moonee says on this head: "The Raja is the lord of all." If he, the Zemindar, appoint a successor from among his lineal descendants, he can do it without the orders of the Raja. It is thus set forth in Metakhiaru and other books: "The son from the time of his being born has a right in his father's property. A Jaghiredar cannot appoint a successor not of his lineal descendants, and should he without the command of the Raja appoint a successor from among his lineal descendants, that successorship would not be approved because the Jaghire was granted in consideration of services performed to the Raja; consequently the Jaghire is at the Raja's disposal—should (they to whom the question relates) appoint a successor not of their lineal descendants, the right of their lineal descendants would not be superseded. The following are the words of Bropot Moonee: "The grant of joint property without the consent of all the sharers is not admissible," but the property which is not ancestral but acquired by a man's own exertions is real property and is more than is necessary for the support of his relations, he may bestow upon persons not his heirs, but that house and property requisite for the support of his kindred he cannot bestow. Manu had said: "A man who has derived no property from his ancestors, but attained some by his own knowledge, skill or bravery, in such case the person acquiring is at liberty to dispose of his self-acquired property to whomsoever he pleases without consulting the will of his son. Katugoun Moonee lays down that "the father and son have a joint power over ancestral property whenever personal or real." Beeas Moonee had said that the real property is the right of the persons descended from the same grandfather (Eek Juddie), and that consequently it cannot be roled or given without the consent of all.

Answer to question 4th:—

Of lands without heirs, let the sovereign on being informed possess himself, the property of Brahmins excepted. Dewanl Moonee has said: "The sovereign is at liberty to possess himself of property without heir, but he is not at liberty to possess himself of the property of Brahmins; let him give it to some Brahmin of superior character to the deceased." Named Moonee has said: "Should a Brahmin of such description not present himself, let him bestow it to such a Brahmin as be at hand. Let not the sovereign himself possess it, otherwise he will be criminal." This is the Meereestah of the pundits according to the shaster.

A true Translation.)

(Signed) JAS. STUART,
Deputy. Registrar.

REVENUE DEPARTMENT.

(A true Copy.)

(Signed) G. H. BARLOW,
Sub-Secretary.

(True Copy.

Signed) DAN INCE,
Deputy Secretary.

PRESIDENT'S MINUTE

IN COUNCIL, *24th November* 1795.

To elucidate the subject now under discussion, it will be proper to go back in the History of Arnee to the year 1762, when by the Treaty between the Nabob of Arcot and the

Raja of Tanjore guaranteed by the Government of Fort Saint George and confirmed by the Company, the Jaghire of Arnee *was restored to Tirumala Row*, who had by a refractory conduct some time before forced the Nabob to reduce him by coercive means. Tirumal Rao died the following year, and *Sreenivasa Row*, his grandson by adoption, then a minor, succeeded, with the consent and approbation of the Company, the Nabob of Arcot and the Raja of Tanjore, but troubles having been excited on the Jaghire by the contumacy of certain Brahmins, the Nabob in the year 1771 took possession of it—a measure which was acquiesced in by the Raja of Tanjore and the Government of Fort St. George. The Court of Directors, however, disapproved of this arrangement, and in the year 1775 and again in 1784, inserted that the Nabob had no right to withhold the Jaghiredar from the descendant of Tirumal Row, the Company's faith having been pledged to the Treaty of 1762. The Raja of Tanjore soon after his restoration (for he was also dispossessed of his country by the Nabob) required to be put in the possession of Arnee, and in his two letters from the (Governor) of Fort Saint George to the Nabob, dated 30th July and 24th August 1796, His Highness was called upon to deliver up the fort and district of Arni to the Raja, but it does not appear by what title His Excellency claimed it, or what degree of relationship or connection subsisted between him and the Killedar of Arni. The Nabob, however, did not surrender the district, and the matter remained in dispute until the year 1784, when the Court of Directors went fully in the subject and declared (that) neither the Nabob nor the Raja had a right to withhold the Jaghire of Arni from the descendants of Tirumal Row, and therefore directed that it should revert immediately to the person entitled to it by the stipulations of the Treaty of 1762, unless there were particular reasons for suspending the execution of their orders.

Note:—Vedogee Bhascara Row was the *first* and original proprietor of the Arnee Jaghire. He had six sons; the eldest, Conery Row, was the *second* Jaghirdar. He had eight sons; the eldest son quitted Arnee in the lifetime of his father and settled at Tanjore. His name was Ramchender Row. The second son Sreenivasa Row succeeded and was the third Jaghirdar. He had four sons. Venkata Row, the eldest, succeeded and was the *fourth* Jaghirdar. He had one son, who died or is said to have died during the lifetime of his father. Tirumal Row, the second son of Sreenivasa Row, succeeded Venkata Row, and was the *fifth* Jaghirdar. He had no male issue, but adopted Suban Row, the grandson of the aforesaid Ramchender Row, who had settled at Tanjore (and thus brought back the succession in a direct line from his eldest son Conery Row, the second Jaghirdar). Suban Row, however, died before Tirumal Row and left one son, Sreenivasa Row, the late and *sixth* Jaghirdar.

Sreenivasa Row was therefore the great-grandson of Conery Row in a direct line from his eldest son, Ramchender Row. Ragonaut Row, the present claimant, is also the great-grandson of Conery Row, being descended from Ragonaut Row, the third son of Sreenivasa Row, and the younger brother of Tirumal Row. Venkata Row, another claimant, is the great-grandson of Conery Row, being the grandson of Casheva Row, the third son of Conery Row. This Venkata Row also claims by adoption (stating) that Venkata Row, the elder brother Tirumal Row, the fourth Jaghirdar, had a son named Sreenivasa Row, on his deathbed directed his widow, Arotha Boyee, to adopt a son, and she accordingly did adopt this Venkata Row, but there is no record of this circumstance, nor were references made at the time the Treaty of 1762 was formed that could lead to the supposition that the aforesaid Sreenivasa Row was then in existence.

"The Court thus express themselves; although these materials have not furnished us "with evidence in support of the Raja's claims, they are far from satisfactory to evince the "estate of our political necessity for containing to within the Jaghire from the descendants of "*Tirumal Row. His hereditary right to that Jaghire* seems to us to have been fully recognized "by the stipulation of the Treaty of 1762, and so little doubted that on his death his widow "was admitted by the Nabob to hold it on account, as may be presumed, of the non-age of his "grandson and heir Sreenivasa Row, who appears to have been confirmed in the Jaghire on "her death by the Nabob as the lineal heir and successor to his grandfather.

"With respect to Sreenivasa Row, it does not appear by any of the proceedings in "our possession that he is as concerned in the misconduct of the Brahmins complained of by "the Nabob in the year 1770, which rendered it necessary for His Highness to take the "Jaghire into his own hands, or that he was privy, or would have prevented these disturbances.

*"We therefore direct that if the heir of Tirumal Row is not at present in possession of the Jaghire, has not by any violation of the Treaty or act of disobedience incurred a forfeiture thereof, he be forthwith restored to the possession of it according to the terms and stipulations of the Treaty of 1762. But if any powerful motive of regard to the peace and tranquillity of the Carnatic shall in your judgment render it expedient *to suspend the execution of the orders*, in that case you are with all convenient speed to transmit to us your proceedings thereupon together with the full state of the facts and of the reasons which has actuated your conduct."

Notwithstanding these instructions, the point was at issue until the year 1789, when Mr. John Holland gave the Jaghire to Sreenivasa Row, and though it almost amounts to positive proof that he was bribed to do justice, yet it seems clear that his decision was consistent with the orders of the Company. In consequence, however, of a memorial from Venkata Row, the Court of Directors in their orders of June 1793 instructed this Government to go anew into the subject. They say: "Our approval and confirmation of a resolution of a former Government for putting Sreenivasa Row in the Jaghiredarship of Arnee agreeably to the stipulations of the Treaty between the Nabob of Arcot and the Raja of Tanjore in 1762 arose from an attentive and impartial perusal of the documents at that time before us which carried conviction to our minds of the superior pretensions of Sreenivasa Row, but the circumstance which you have stated to us of Mr. John Holland having received a bribe of sixty thousand pagodas from Sreenivasa Row upon that occasion has certainly very much weakened our confidence in the propriety of the former determination. At the same time we are aware that in the general system of corruption which appears to have characterized the short administration of Mr. John Holland, an acknowledgment even of the most unequivocal claims founded on the clearest principles of justice and equity might have been obtained, but by means of a pecuniary gratification. If, however, you shall see any cause to doubt the superior pretensions of Sreenivasa Row to the Jaghiredarship of Arnee over those that have been preferred by Venkata Row as mentioned in your subsequent dispatch of the 26th January 1792, we direct that the respective claims do undergo another investigation, and as both these claimants endeavoured to insure success by the same unjustifiable means, we trust you will not allow the circumstance of the bribe alleged to be given to Mr. Holland by the former to operate in prejudice to his claim; but that with unbiassed minds you will proceed to determine according to justice and agreeably to our former orders upon this subject of the 9th December 1784 founded on the terms and stipulation of the Treaty of 1762.

"We have lately received a memo. from Venkata Row, dated Madras, the 30th July 1792, a copy of which is enclosed on the subject of his claim to the Jaghire of Arnee, and direct that you take the same into your consideration with a reference to the observations in the preceding paragraph."

There is nothing upon our records to show (except what Mr. Holland's Minute of the 14th July 1789 sets forth) that any further proceedings were had to confirm the succession of Sreenivasa Row during the lifetime of his grandfather, Tirumal Row. It seems to have been admitted as a matter of course that he succeeded to all the rights which his father derived from the adoption, for upon the death of Tirumal Row, he succeeded without dispute or interruption and had the Jaghire for eight years until he was displaced, as hath been before shown by the improper conduct of the Arnee Brahmins.

If the Treaty of 1762 which guaranteed the Jaghire to *Tirumal Row and his descendants* be *not* brought forward to decide the question, the pretensions of Venkata Row and Rago-

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*"According to the literal meaning of these orders, it is to be presumed that the Government of Fort Saint "George did not suspend the execution of them because they were in any doubt as to the right of succession, but "because some powerful motive of regard to the peace and tranquillity of the Carnatic rendered it expedient (and) yet "it was beyond the reach of probability that either the peace or tranquillity of the Carnatic could be affected in "the year 1785 by any dispute among the claimants."

naut Row must of course be revived. The former claims by descent as the grandson of Casheva Row, the third son of Conery Row and by adoption as the son of Sreenivasa Row, who was the son of Venkata Row, the dear brother of Tirumal Row; Raganatha Row claims only by descent as the grandson of Ragonaut Row, who was the younger brother of Tirumal Row and the grandson of Conery Row. If the Treaty be the point on which we are to decide, the late Sreenivasa Row according to the declarations of the Canongoe of Carnatic and the principal Brahmins of Madras was undoubtedly the legal heir of Tirumal Row, for the former gives it "decidedly in his favour, and the latter state that the said Tirumal Row *put the said Jaghire* in "charge of his grandson, the present Sreenivasa Row, son of the deceased Suban Row, and "died" (*vide* Mr. Holland's Minute, 14th July 1789), and further

The pundits of Tanjore declare the law of the shaster to be this in case of adoption. "If there be no legitimate son or son's son, the adopted son is the heir, and if he be no more, "his son succeeds." See Mr. Swartz's letter to Government, 12th April 1793. It might, too, be a question whether Sreenivasa Row could not have claimed by descent as the lineal heir of his great grandfather, Ramachender Row, the eldest son of Conery Row, the second Jaghiredar, for although Ramachender Row never succeeded to the Jaghire, neither did Casheva Row nor Ragonaut Row, from whom are descended the present claimants, Venkat Row and Ragonaut Row.

Having brought the subject thus far, it remains to determine (if the right of Sreenivasa Row to the Jaghire be admitted) whether the verbal order of the late Jaghiredar to his wife upon his deathbed to adopt a son be consistent with the Hindoo law. The papers received from Bengal express that according to the case of Ramkishen a wife can adopt under *a written authority* from the husband, and the pundits of Benares and of the Sudder Dewanny Adawlet go further, for they say that the widow can exercise the right of adoption by order of the husband, but make no mention of written authority, as the pregnancy of the widow is out of the question; the matter rests (admitting the right of Sreenivasa Row as before stated) upon the following points, whether the Hindoo law as expounded by the pundits shall govern the determination of the Board, or whether we shall set aside the right of adoption or failure of *written authority* in favour of the lineal descendant? The Supreme Government have not directed us to be governed by the opinion of the pundit, but we plainly perceive that Lord Cornwallis and his Council decided in favour of Ramkishen principally from the *written authority* of the Zamindar of Rajashahy to his widow on his deathbed to adopt a son. I am of opinion that the first measure to be adopted is to justify ourselves as to the credibility of the oral evidence respecting the adoption, and with this view the Board of Revenue should be instructed to proceed to the examination upon oath of the several persons who are said to have been present when the late Jaghiredar gave the orders to his wife; a copy of the letter from Bengal with copies of the papers accompanying it should also be sent to the Revenue Board that they may follow as nearly as circumstances will admit the mode adopted by Mr. Meyer, the acting preparer of reports in Bengal, in taking the examination of the witness in the case of Ramkishen.

(Signed) J. HOBART.

Minutes of Board.

The Board having materially considered the foregoing subject are of opinion that the Treaty of 1762, the orders of the Company and the circumstance of late Sreenivasa Row having held the Jaghire without dispute or interruption from the year 1763 to the year 1771 are points which furnish a presumption of right in the late Jaghiredar scarcely to be questioned. It therefore remains to ascertain how far his widow can be entitled to nominate the successor on the verbal orders of the husband The proposed investigation by the Board of Revenue will enable Government to judge of the credibility of the oral evidence regarding the adoption, and if the depositions to be taken on the occasion should be conclusive as to the fact brought

forward by the widow of the only point remaining to be decided in order to enable Government finally to pronounce upon the case will be whether the Hindu laws admit of adoption by any other means than *written authority*.

Resolved that copies of all the papers be sent to the Board of Revenue, and that they be instructed to proceed on the enquiry agreeably to the President's suggestion.

(True Copies.)

(Signed) DAN INCE,
Deputy Secretary.

9.

An agreement taken by the Honorable John Holland, Esquire, President and Governor in Council of Fort Saint George and its Dependencies, from Sreenivasa Row, heir of Tirumala Row, Jaghiredar of Arnee.

The Honorable Governor in Council of Fort Saint George having restored to me the possession of the Jaghire of Arnee, which I inherited after the death of Tirumala Row my grandfather, upon the terms of the Treaty of the year of Christ 1762, entered into between His Highness the Nabob of the Carnatic and His Excellency Prataubsing, Rajah of Tanjore, I do with my own free will and consent agree to conform to the terms of the said Treaty so far as it relates to the Jaghire of Arnee, acknowledging that I have no right by the said Treaty to the Fort of Arnee and Doby Guddy, and I do for myself and my heirs engage in every respect to fulfil the terms of the said Treaty according to the intention and spirit thereof, binding myself to be answerable to His Highness the Nabob for the annual Peishcush or Nuzzar of Ten Thousand Arcot Rupees, to be paid yearly in the month of July on a receipt being granted for the amount, and I therefore engage that I will not erect, or cause to be erected any fortress, walled pagoda, or other stronghold, and that I will not raise any wall even round my dwelling house exceeding eight feet high and two feet thick. That I will not entertain any armed peons or followers excepting only a few sibbendy for the purpose of collecting the revenue of the district, and that I will in all respects behave myself with due obedience to the Carnatic Government and to that of the Honorable Company. That I will do everything to provide for the welfare of the inhabitants and be attentive to the increase of cultivation and improvement of the country and Jaghire of Arnee. That I will not impose or levy any new customs or duties of any kind whatsoever, and I do hereby relinquish and give up all or any claim or demand whatever on the Company for the collections of revenue or otherwise since the district has been under their direction and management.

Dated in Fort Saint George the 20th day of June in the year of Christ 1789.

(A true Copy.)

Signed) W. FORBES,
Acting Secretary to Government.

10.

To

THE PRESIDENT AND MEMBERS OF THE BOARD OF REVENUE,
Fort Saint George.

GENTLEMEN,

I have the honor to transmit herewith an original letter to the address of the Board together with Kheerutah for the Honorable the Governor from Tirumala Row, Jaghiredar of Arnee, and I regret to say the receipt of these letters was shortly afterwards followed by an

official report of his death which took place on the 11th instant. He had been ill for some months before, and although I sent to him to offer the aid of the European Medical Officer of the district, he seemed for a time to prefer trusting to the skill of the native advisers; but when it was evident that they were unable to check the progress of the disease, his Vakil wanted me and requested that the Surgeon might be sent; but before the necessary arrangements could be made for that gentleman's departure from Chittore, the report of the Jaghiredar's death was received.

2. He has left three sons—Sreenivasa Row, Soobhan Row and Venkata Row.

3. The sunnuds of the British Government dated 20th June 1789 (to Sreenivasa Row) and 10th May 1796 to Tirumala Row the deceased, do not state that this Jaghire is hereditary; but the records of your Board contain ample testimony to the ancient origin of this Mahratta family to the consideration which has always been shown to their claims and to their attachment to the Company's Government.

4. A short account of the Jaghire was given in the Principal Collector's letter to the Chief Secretary to Government under date the 22nd June 1822, from which it will be observed that the family have had possession for two hundred years, and on reference to the sunnuds above mentioned, it will be remarked that the Court of Directors reinstated one of their ancestors in this Jaghire under the terms of the Treaty of 1762 between the Nabob of Carnatic and the Rajah of Tanjore.

5. I have not as yet issued any orders respecting the Jaghire, and by that I may be favoured with the instructions of Government for my guidance as soon as convenient.

CHITTORE,
SUB-COLLECTOR'S CUTCHERRY,
15*th January* 1825.

I have, &c.,
(Signed) H. CHAMIER,
Sub-Collector in Charge.

(True Copy.)

(Signed) W. MEYER,
Acting Secretary.

11

No. 124.

To

THE CHIEF SECRETARY TO GOVERNMENT.

SIR,

With reference to Mr. Secretary Stokes' letter of the 25th February last, regarding the succession of the Jaghire of Arnee and communicating the Resolution of the Honorable the Governor in Council that it shall be contained in favour of Sreenivasa Row, the eldest son of late Jaghiredar, with directions that the Board should prepare the draft of a sunnud to that effect, I am directed to forward the accompanying draft of a sunnud prepared accordingly.

The stipulation regarding the amount of Peishcush 10,000 Rs. formed one of the conditions in the sunnud granted to the late Jaghiredar. In reference to the further stipulation suggested in the 3rd para. of Mr. Secretary Stokes' letter, "that it should bind the Jaghiredar in general terms to maintain his relatives in a manner suitable to the claims which by law or usage they may severally have upon him as the head of the family, and that it should provide for the interference of Government if necessary to enforce due observance of this stipulation," the Board most respectfully submit for the further consideration of the Honorable the Governor in Council whether such a stipulation is necessary. No complaints have hitherto been made against the Jaghiredar of neglect towards his relatives or dependants, and they are apprehensive that the insertion of this clause might open the door to groundless and vexatious complaints amongst discontented who would never be satisfied with any stipend however liberal so long as they had expectations by appeal of getting mo" A further reason which has operated with the Board in offering this suggestion is that the Courts will compel the Jaghiredar to maintain his relatives in a manner suitable to the claim which by law and usage

they may severally have upon him and the insertion of this stipulation in the sunnud seems therefore unnecessary. With this explantion they submit a draft of sunnud to be granted to the present Jaghiredar, the same in all material points as that granted to the former Jaghiredar and differing only in the preamble where the situation of the succeeding party rendered alteration necessary.

I have, &c.,
(Signed) J. DENT,
Secretary.

(True Copy.)

(Signed) W. MEYER,
Acting Secretary.

12.

To

THE PRINCIPAL COLLECTOR,

Northern Division of Arcot.

SIR,

The letter from Mr. Chamier, Sub-Collector in charge, under date the 15th January last, reporting the death of Tirumala Row, Jaghiredar of Arnee, and requesting instructions before issuing any orders regarding the Jaghire having been submitted to Government, I am directed by the Board of Revenue to inform you that this Jaghire having been held by the present family for the space of 200 years, and the Court of Directors having in their letter of 9th December 1784 expressly recognized it as an hereditary possession, the Honorable the Governor in Council has been pleased to resolve that it shall be continued in favour of Sreenivasa Row, the eldest son of the late Jaghiredar, and I enclose a sunnud which has been prepared accordingly and which you will present to the Jaghiredar.

The Honorable the Governor in Council further desires that on the occasion of presenting the sunnud to the Jaghiredar, you will also present to him a couple of shawls.

I have, &c.,
(Signed) J. DENT,
Secretary.

14*th May* 1825.

(True Copy.)

(Signed) W. MEYER,
Acting Secretary.

13.

Proceedings of the Board of Revenue, Land Revenue, dated 13th June 1893, No. 330, Press.

Read letter from the Collector of North Arcot, dated 12th May 1893, Ref. on No. 2477 Gl. Eng.

RESOLUTION—

The letter read above will be submitted for the orders of Government.

2. The Collector requests orders as to whether the enquiry ordered in Government Order, dated 20th November 1891, No. 1109, may be intended to village artizans' service inams in the Jaghire of Arnee. He points out that when suits were brought for village service inams in Jaghire under Regulation VI. of 1831, the Jaghiredar raised no objection, though he was not made a party to them, which fact implied that the emoluments were annexed to those offices by the State. The Jaghiredar on the other hand contends that, according to the terms of the cowle granted in 1879, he was put "in full possession of the whole Jaghire he possessed and enjoyed before the capture of Arnee" subject to the condition among others, that he should pay an annual nazar of Rs. 10,000 in token of submission and loyalty to Government, and that the amount of the nazar which was subsequently reduced to Rs. 6,000 in consideration of the abolition of the moturpha tax (*vide* Government Order, dated 13th

February 1872, No. 280) was not fixed with reference to any fiscal arrangement as in the case of other Zemindaries. He therefore questions the rights of Government to interfere with the inams in question, though they might have existed at the time of fixing the nazar.

3. As Government is aware, the tenure of the Jaghire is peculiar—*vide* paragraphs 4 and 13 of the Collector's letters disposed of in Government Orders, dated 3rd February 1872, No. 231, and 13th February 1872, No. 280.

Government Order, dated 3rd February 1872, No. 231.
Court's Proceedings, dated 12th May 1873, No. 771.
Court's Proceedings, dated 7th July 1873, No. 1217.

4. The question of dealing with inams granted by the Jaghiredar came under consideration when the estate was under the management of the Court of Wards between 1872 and 1874, and it was then decided to leave them untouched—*vide* papers quoted on the margin.

5. On the constitution of the Inam Commission for the settlement of inams throughout the Presidency, the Inam Commissioner, while issuing instructions for the guidance of Deputy Collectors employed in the inam investigation of the district, observed that the Jaghire was an ancient one confirmed by the British Government, and held on hereditary tenure, and that further instructions would be issued in regard to inams in that estate (*vide* paragraph 11 of his Proceedings, dated 3rd September 1860, No. 237). He accordingly issued the following instructions.

It (Arnee) is an ancient hereditary Jaghire confirmed to the family by the treaty of 1762, entered into by the Nawab of the Carnatic and the Rajah of Tanjore, and is held as a kind of entailed property. It is charged with a small peshkush as a pledge of submission to the Government. The sunnuds given to the Jaghiredars on their succession to the estate make no reservation of inams of any description, and the Revenue authorities have never interfered with them—*vide* Proceedings, dated 25th September 1860, No. 252.

6. Though at the foot of the above Proceedings the Inam Commissioner made a note to the effect that his statement that the Revenue authorities have never interfered with them was only inferable from the Government letter, dated 19th April 1825, and that a copy of the Proceedings should go to the Collector with a request to report if the practice was not in accordance with that statement, no communication appears to have been sent to him. Subsequently, however, when the Collector made reference to the Inam Commissioner as to whether any orders had been passed with reference to paragraph 11 of Proceedings, dated 3rd September 1860, No. 237, a copy of the Proceedings, dated 25th September 1860, No. 252, was forwarded to him.

7. As, however, it does not appear that the measure adopted by the Inam Commissioner had the approval of Government, the Board has thought it fit to refer the question for the orders of Government with recommendation that the artizan inams in the Jaghire be excluded from the Collector's enquiry.

(A True Copy and Extract.)

(Signed) R. C. C. CARR,

Ag. Secretary.

To the Secretary to Government, Revenue Department, with 6 enclosures, in original, to be returned; copies of Inam Commissioner's Proceedings referred to in the draft and spare copies of Court of Wards' Proceedings, dated 12th May 1873, No. 771, and 7th July 1873, No. 1217.

Copy to the Collector of North Arcot.

(True Copy.)

(Signed)

Secretary.

they may severally have upon him and the insertion of this stipulation in the sunnud seems therefore unnecessary. With this explantion they submit a draft of sunnud to be granted to the present Jaghiredar, the same in all material points as that granted to the former Jaghiredar and differing only in the preamble where the situation of the succeeding party rendered alteration necessary.

I have, &c.,
(Signed) J. DENT,
Secretary.

(True Copy.)

(Signed) W. MEYER,
Acting Secretary.

12.

To

THE PRINCIPAL COLLECTOR,

Northern Division of Arcot.

SIR,

The letter from Mr. Chamier, Sub-Collector in charge, under date the 15th January last, reporting the death of Tirumala Row, Jaghiredar of Arnee, and requesting instructions before issuing any orders regarding the Jaghire having been submitted to Government, I am directed by the Board of Revenue to inform you that this Jaghire having been held by the present family for the space of 200 years, and the Court of Directors having in their letter of 9th December 1784 expressly recognized it as an hereditary possession, the Honorable the Governor in Council has been pleased to resolve that it shall be continued in favour of Sreenivasa Row, the eldest son of the late Jaghiredar, and I enclose a sunnud which has been prepared accordingly and which you will present to the Jaghiredar.

The Honorable the Governor in Council further desires that on the occasion of presenting the sunnud to the Jaghiredar, you will also present to him a couple of shawls.

I have, &c.,
(Signed) J. DENT,
Secretary.

1-*th May* 1825.

(True Copy.)

(Signed) W. MEYER,
Acting Secretary.

13.

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RESOLUTION—

The letter read above will be submitted for the orders of Government.

2. The Collector requests orders as to whether the enquiry ordered in Government Order, dated 20th November 1891, No. 1109, may be intended to village artizans' service inams in the Jaghire of Arnee. He points out that when suits were brought for village service inams in Jaghire under Regulation VI. of 1831, the Jaghiredar raised no objection, though he was not made a party to them, which fact implied that the emoluments were annexed to those offices by the State. The Jaghiredar on the other hand contends that, according to the terms of the cowle granted in 1879, he was put "in full possession of the whole Jaghire he possessed and enjoyed before the capture of Arnee" subject to the condition among others, that he should pay an annual nazar of Rs. 10,000 in token of submission and loyalty to Government, and that the amount of the nazar which was subsequently reduced to Rs. 6,000 in consideration of the abolition of the moturpha tax (*vide* Government Order, dated 13th

February 1872, No. 280) was not fixed with reference to any fiscal arrangement as in the case of other Zemindaries. He therefore questions the rights of Government to interfere with the inams in question, though they might have existed at the time of fixing the nazar.

3. As Government is aware, the tenure of the Jaghire is peculiar—*vide* paragraphs 4 and 13 of the Collector's letters disposed of in Government Orders, dated 3rd February 1872, No. 231, and 13th February 1872, No. 280.

Government Order, dated 3rd February 1872, No. 231.
Court's Proceedings, dated 12th May 1873, No. 771.
Court's Proceedings, dated 7th July 1873, No. 1217.

4. The question of dealing with inams granted by the Jaghiredar came under consideration when the estate was under the management of the Court of Wards between 1872 and 1874, and it was then decided to leave them untouched—*vide* papers quoted on the margin.

5. On the constitution of the Inam Commission for the settlement of inams throughout the Presidency, the Inam Commissioner, while issuing instructions for the guidance of Deputy Collectors employed in the inam investigation of the district, observed that the Jaghire was an ancient one confirmed by the British Government, and held on hereditary tenure, and that further instructions would be issued in regard to inams in that estate (*vide* paragraph 11 of his Proceedings, dated 3rd September 1860, No. 237). He accordingly issued the following instructions.

It (Arnee) is an ancient hereditary Jaghire confirmed to the family by the treaty of 1762, entered into by the Nawab of the Carnatic and the Rajah of Tanjore, and is held as a kind of entailed property. It is charged with a small peshkush as a pledge of submission to the Government. The sunnuds given to the Jaghiredars on their succession to the estate make no reservation of inams of any description, and the Revenue authorities have never interfered with them—*vide* Proceedings, dated 25th September 1860, No. 252.

6. Though at the foot of the above Proceedings the Inam Commissioner made a note to the effect that his statement that the Revenue authorities have never interfered with them was only inferable from the Government letter, dated 19th April 1825, and that a copy of the Proceedings should go to the Collector with a request to report if the practice was not in accordance with that statement, no communication appears to have been sent to him. Subsequently, however, when the Collector made reference to the Inam Commissioner as to whether any orders had been passed with reference to paragraph 11 of Proceedings, dated 3rd September 1860, No. 237, a copy of the Proceedings, dated 25th September 1860, No. 252, was forwarded to him.

7. As, however, it does not appear that the measure adopted by the Inam Commissioner had the approval of Government, the Board has thought it fit to refer the question for the orders of Government with recommendation that the artizan inams in the Jaghire be excluded from the Collector's enquiry.

(A True Copy and Extract.)

(Signed) R. C. C. CARR,

Ag. Secretary.

To the Secretary to Government, Revenue Department, with 6 enclosures, in original, to be returned; copies of Inam Commissioner's Proceedings referred to in the draft and spare copies of Court of Wards' Proceedings, dated 12th May 1873, No. 771, and 7th July 1873, No. 1217.

Copy to the Collector of North Arcot.

(True Copy.)

(Signed)

Secretary.

REVENUE DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read Proceedings of the Board of Revenue (Land Revenue), dated 13th June 1893, No. 330, Press.

ORDER, DATED 7TH AUGUST 1893, No 712, REVENUE

The Board's recommendation in paragraph 7 of its Proceedings read.

Above is approved.

(True Extract.)

(Signed) C. A. GALTON,

Secretary to Government.

To the Commissioners of Land Revenue with the original enclosures returned.

(True Copy.)

(Signed)

Secretary.

Proceedings of the Board of Revenue (Land Revenue), dated 20th November 1893, No. 3662.

Read petition from A. Sreenivasa Row Sahib, Jaghiredar of Arnee, North Arcot District, dated 15th October 1893.

(2) Read petition from G. Krishnacharlu, Agent at Egmore, to the Jaghiredar of Arnee, dated 1st November 1893.

Endorsement.

The Jaghiredar will be granted copy of Board's Proceedings, dated 13th June 1893, No. 330, and of the G. O. thereon as requested.

(Signed)

Dy. Secretary.

To the Jaghiredar of Arnee, with copy of Board's Proceedings, dated 13th June 1893, No. 330, and of G. O. thereon, and with 1 copy stamped paper—returned.

14.

The following is an extract from the *Imperial Gazetteer of India* by W. W. Hunter, C.S.I., C.I.E., LL.D., Vol. I., pages 331 and 332 :—

Arni.—A Jaghire (estate) in North Arcot District, Madras Presidency, area 183 square miles or 117,120 acres, land revenue £14,524, population (1881) 73,417, being 36,019 males and 37,398 females, chief town *Arni*. This Jaghire was first granted to the Raja of Vijianagar in the 16th century, and the grant was confirmed by the Company in 1789 at an annual tribute (peshkush) of £1,000. The present tribute amounts to a little more than £500 reductions on various accounts having been made. The estate is for the most part flat and open, with a few small hills, on one of which, Devepuram, is a celebrated temple, contains 182 villages, of which 51 have been given away in inam or rent free. The principal manufacture is weaving, the best fabrics being woven in the chief town, where they are made of a mixture of silk and cotton; these are much worn by the higher classes, and also exported to Mysore, at prices varying from 14*s.* to £5. Besides weaving, mat-making is carried on, and a superior sort of pottery, glazed and unglazed, is also produced in the estate.

Arni Town, in the Arni Jaghire (estate), North Arcot District, Madras Presidency, Lat. 12° 40′ 23″ N. Long. 79° 19′ 31″ E., population (1881) 4,812, namely Hindus 4,177, Muhammedans 536, Christians 26, others 73, situated 400 ft. above the sea on the right bank of the

Cheyair (Cheyar) river, 16 miles South of Arcot, formerly a large Military Station, but at present merely the head-quarters of the Jaghire. The fort, now in ruins, played a conspicuous part in the wars of the Karnatic. In 1751 it was stormed by Clive when pursuing Raja Sahib after the successful defence of Arcot; and under its walls, in 1782, Sir Eyre Coote defeated the troops, Lally and Haidar Ali, capturing the fort with all the military stores lodged in it by the enemy. Here also the British Army concentrated for the campaign of 1790. The site of the fort does not belong to the Jagirdar. An imposing monument in the shape of a high column stands on one side of the old parade ground, built, as the inscription shows, by an officer of the garrison in memory of a brother officer whom he shot in a duel. At the north-west angle of the enclosure is a fine old temple, though it has no good sculpture.

15.

Extract from the Manual of Tanjore District by T. Venkasami Row.

Arni continued to be a nominal dependency of Tanjore until 1771 (12*a*) when Raja Tulzagee by treaty formally relinquished all claim to it to Nawab Mohammed Ali.

Note (12*a*).—The Mahratta Rajas of Tanjore seem to have regarded it as such, because it continued in the possession of the family of Veda Bhaskar Pandit, whom Shahgi, when he took the place about the middle of the seventeenth century, placed in charge of it as Killedar or Governor of the Fort, and whom Civaji in 1677, when he seized all the Bijapur possessions in the Karnatic, confirmed in that office; about the middle of the seventeenth century Vedo Bhaskar's great grandson, Tirumalai Row, was ousted by Nawab Mahomed Ali, but was reinstated at the intercession of Raja Pratapsing in 1762, subject to an annual payment of Rs. 10,000 as Nazar or tribute to the Nawab. It continues in the possession of the same family as Jaghire charged after a deduction for the Moturpha Tax abolished, and certain other adjustments with an annual payment of Rs. 5,098 as peishkush to the British Government.

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16. **No. I.**

A Cowle granted by the Honorable John Holland, Esq., Governor and President in Council of Fort Saint George, and its Dependencies to Shenevasa Row, heir of Tremala Row, Jaghiredar of Arnee.

Whereas it appears from the records of Government, that Shenevasa Row succeeded Teeroomala Row, as Jaghiredar of Arnee, and continued in possession till deprived thereof, the Honorable Governor in Council of Fort Saint George and its Dependencies in conformity to the orders of the Honorable Court of Directors have thought proper and do hereby reinstate the said Shenevasa Row in his Jaghire of Arnee, and the Districts thereof, according to the terms of the Treaty of the year of Christ, 1762, entered into between His Highness the Nabob of Arcot, and the Carnatic, and Pertaub Sing Rajah of Tanjore, that is to say the said Shenevasa Row is to be put in full possession of the whole Jaghire of Arnee, he possessed and enjoyed before the capture of Arnee (excepting however the said Fort and Doby Guddy) provided that the said Shenevasa Row shall not at any time hereafter, erect, or cause to be erected any fortress, walled Pagoda or other stronghold, and that he shall not even erect or build any wall round his dwelling house exceeding eight feet high and two feet thick, and further that the said Shenevasa Row shall in all things behave himself with due obedience to the Government of His Highness Nabob Walajha of the Carnatic, &c. &c., and also to the Government of the Honorable English East India Company, that the said Shenevasa Row shall not entertain any Military or Armed Peons and followers, excepting only a few Sibendy for the purpose of assisting in collecting the Revenues of the country, and it is further stipulated that the said Shenevasa Row shall do every thing to provide for the welfare of the inhabitants and be attentive to the increase of cultivation and improvement of the country and

Jaghire of Arnee. That he shall not impose or levy any new duties or customs, and that he shall pay yearly in the month of July into His Highness the Nabob and his successors the sum of Ten thousand Rupees as a Nazur.

Dated in Fort Saint George, the 20th Day of June, in the year of Christ 1789 and entered in the Secretary's Office.

By order.

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17. **No. II.**

A SUNNUD OR COMMISSION OF JAGHIREDAR

GRANTED BY

THE RIGHT HON. LORD HOBART, PRESIDENT IN COUNCIL OF FORT ST. GEORGE,

To

THIRUMAL ROW,

Jaghiredar of Arnee.

The Right Honorable the Governor in Council of Fort St. George having thought proper to confirm the right of adoption claimed by the widow of Sreenivasa Row, late Jaghiredar of Arnee, of a succession to that Jaghire, and you Thirumal Row having been presented to me as the person who has been adopted by her according to the usual forms and ceremonies, I grant you this sunnud appointing you Jaghiredar of Arnee in succession to the late Sreenivasa Row under the same conditions. That is to say provided that you shall not at any time hereafter erect or cause to be erected any fortress, walled pagoda or other stronghold, and that you shall in all things behave yourself with due obedience to the Government of the Honorable English East India Company; that you shall not entertain any military or armed persons and followers excepting only a few sibbandy for the purpose of assisting in collecting the revenues of the country, and it is further stipulated that you shall do everything to provide for the welfare of the inhabitants, and be attentive to the increase of cultivation and improvement of the country and Jaghire of Arnee; that you shall not impose or levy any new duties, and you shall pay yearly in the month of July to the Honorable East India Company's Treasury the sum of ten thousand rupees as a pledge of your obedience to them, and as a return to the production afforded by their Government.

In witness whereof the Right Honorable Lord Hobart, President in Council of Fort St. George, hath on the part of Honorable Company signed and caused the seal of the said Company to be affixed thereinto in Fort St. George this 10th day of May in the year of our Lord one thousand seven hundred and ninety-six.

Entered in the Secretary's office by order of the Right Honorable the President in Council.

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18. **No. III.**

C.

To

STREENEVASA ROW.

Your right to succeed to the Jaghier of Arnee, as eldest son of Tirmul Row, the late Jaghierdar, having been satisfactorily established, this Sunnud is issued, granting you that Jaghier on the following conditions, viz.:—

1. You are to conform to the Regulations of Government, and to be obedient and faithful to the Honorable Company.

2. In the month of July in each year, you are to pay Rs. 10,000 into the Honorable Company's Treasury, as a pledge of submission to them and in return for the protection afforded to you.

3. You shall make a suitable provision for the different members of your family according to established usage and according to the orders of Government when they may see fit to interfere.

4. You shall not erect any fortifications or places of defence, or entertain any troops or armed peons or followers, unless with the previous permission of Government.

5. You shall, as far as in you lies, provide for the welfare of the inhabitants and the prosperity of your Jaghier.

On failure of any of the foregoing conditions, this Sunnud will be of no effect, and your Jaghier will be liable to be resumed.

In witness whereof, this Sunnud is signed by me, the Honorable Major-General Sir Thomas Munro, K.C.B., President in Council of Fort Saint George, on the part of the Honorable Company, and the seal of the said Company is affixed hereunto in Fort Saint George, this Nineteenth day of April, in the year of our Lord One thousand Eight hundred and Twenty-five.

Entered in the Secretary's Office, by order of the Honorable the Governor in Council.

(Signed) D. HILL,
Chief Secretary.

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19. **No. IV.**

To

TERUMAL ROW.

Your right to succeed to the Jaghire of Arni as eldest son of Srinivasa Row, the late Jaghiredar, having been recognised by Government, this Sunnud is issued granting you that Jaghire on the following conditions, viz. :—

1. You are to conform to Regulations of Government and to be obedient and faithful to the Honorable Company.

2. In the month of July in each year you are to pay Rs. (10,000) into the Honorable Company's Treasury as a pledge of submission to them and in return for the protection afforded to you.

3. You shall make a suitable provision for the different members of your family according to established usage and according to order of Government when they may see fit to interfere.

4. You shall not erect any fortifications or places of defence or entertain any troop or armed peons or followers unless with the previous permission of Government.

5. You shall as far as in you lies provide for the welfare of the inhabitants and the prosperity of your Jaghire.

6. On failure of any of the foregoing conditions, this Sunnud will be of no effect and your Jaghire will be liable to be resumed.

In witness whereof this Sunnud is signed by me, the Right Honorable Lieutenant-General Sir Henry Pottinger, K.G.C.B., President in Council of Fort St. George, on the part of the Honorable Company, and the seal of the said Company is affixed hereinto in Fort St. George this Thirtieth day of August in the year of our Lord one thousand eight hundred and fifty-three.

Entered in the Secretary's office by order of the Right Honorable the Governor in Council.

(Signed) HENRY POTTINGER.
(Signed) T. PYCROFT,
Secretary to Government.

20. **No. V.**

English Crest in Gold Gilt and the Motto.

SUNNUD

GRANTED BY

THE RIGHT HONORABLE THE GOVERNOR IN COUNCIL OF FORT SAINT GEORGE

ON BEHALF OF

THE RIGHT HON. THE SECRETARY OF STATE FOR INDIA IN COUNCIL,

To

SRINIVASA ROW.

Your right to succeed to the Jaghire of Arnee, as eldest son of Tirmul Row, the late Jaghiredar, having been satisfactorily established, this Sunnud is issued granting you that Jaghire on the following conditions, viz. :—

1. You are to conform to the Laws and Regulations of Government, and to be obedient and faithful to Her Gracious Majesty the Queen, and to Her Majesty's representative in India.

2. The Government having prohibited the collection of Moturpha within your Jaghire, have resolved to reduce the annual Peshcush by the amount of Rs. 4,000, in compensation for the loss of income thereby entailed, and you shall hereafter pay in the month of July in each year the sum of six thousand Rupees into the Government Treasury, as a pledge of submission to the Government and in return for the protection afforded to you.

3. You shall make a suitable provision for the different members of your family according to established usage, and according to the orders of Government when they may see fit to interfere.

4. You shall not erect any fortifications or places of defence, or entertain any troops, or armed peons or followers, unless with the previous permission of Government.

5. You shall, as far as in you lies, provide for the welfare of the inhabitants and the prosperity of your Jaghire.

On failure of any of the foregoing conditions, this Sunnud will be of no effect, and your Jaghire will be liable to be resumed.

In witness whereof, this Sunnud is signed by me the Right Honorable Francis Baron Napier of Merchiston, K.T., President in Council of Fort Saint George, on the part of the Right Honorable the Secretary of State for India in Council for the time being—and the seal of the Government is affixed hereunto in Fort Saint George this 16th day of February in the year of our Lord 1872.

Entered in the Secretary's Office by the order of the Right Honorable the Governor in Council.

(Governor's Round Seal here.)

(Signed) NAPIER.

(Signed) W. HUDLESTON,

Secretary to Government.

21.

REVENUE DEPARTMENT.

To

THE PRESIDENT AND MEMBERS OF THE BOARD OF REVENUE,

Fort Saint George.

GENTLEMEN,

I have the honor to acknowledge the receipt of your Secretary's letter bearing date the 30th September last, transmitting petition from sundry persons styling themselves relations to the Jaghiredar of Arnee, and requiring a report on the same.

Herewith returned.

2. The petition is presented by 16 persons and is one of complaint and claims, embracing occurrences of many years standing, insinuating that the decisions passed by the Government and the Courts on several occasions have not been in accordance with the rights of the parties, without any assigned reason claiming for each individual seven villages, and stating that the allowances formerly paid by the Arnee Jaghiredar have been discontinued by the present incumbent.

3. The petitioners state that in consequence of the distress of the members of the family, the Government was pleased to restore the Jaghire to Sreenivasa Row who mortgaged (about 40 years since the grandfather of the present Jaghiredar) the Jaghire on account of his debts, and being restricted to small income, the members of the family agreed to receive from him a reduced rate of subsistence; but he dying prior to the liquidation of his debts, the Jaghire was resumed by the Government and restored to Tirumal Row, the adopted son of the widow, though the adoption should have fallen on an elder branch of the family, but that the petitioners were prevented stating their claims at the time that the Jaghiredar, when prosecuting the Ragoonadpoor Jaghiredar for Peishcush (*which they assert was not paid at any time*, though the Provincial Court decided in the Arnee Jaghiredar's favour, which decision was confirmed by the Sudder Udaulut Court on appeal), stated in his answer to the Court that he continued to pay 27,000 Rupees per annum to the family, whereas his expenses on this account were only three thousand, and that the present Jaghiredar, his son, has since been permitted to succeed to the Jaghire, but has discontinued "*the whole mamools and rights, &c., payable to the members of the family, and even denies a part of the rights which were paid by his late father;*" that he the Jaghiredar has in consequence of this saving and by trading with merchants amassed a large fortune. The petitioners finally request the Board to confer 7 villages on each of the members of the family in the same manner as the Ragoonadpoor Jaghire which was some years since placed under the Arnee Jaghiredar by the Courts for arrears of Peishcush.

4. One of the complainants Sreenivasa Row particularly states that his father received a stipend of 30 Pagodas a month, which was reduced by the late Jaghiredar to 20 Pagodas, and this petitioner requests the original stipend may be paid with balance accruing.

5. Of these several petitioners, some few only have appeared before me, and although the last mentioned person was in the vicinity of my cutcheri when on circuit in the neighbourhood of his village, he never appeared.

6. In commencing my enquiry, I demanded from the petitioners an inspection of their accounts, sunnuds, deeds of gift, &c., or whatever documents they possessed in proof of their ancestors ever having enjoyed the villages or stipends to which they preferred claims and to procure from the Court a transcript of the late Jaghiredar's reply by which he asserted his charitable expenses to amount to 27,000 Rupees per annum.

7. The Jaghiredar was directed to forward for my inspection such of the accounts of the former Tirumal Row as referred to the lands claimed. He in reply acquainted me that all accounts of that period had been lost during the periods of assumption by the Nabobs, but that he continued to pay whatever stipends his father, and according to my requisition submitted a memorandum of the sums paid to the petitioners of whom three—Kishen Row, Gopal Row and Baboo Row—he asserts were never allowed subsistence or salary by any of his predecessors; he also stated that he possesses the receipts of the several dependants so substituted.

8. After a lapse of some months, three of the petitioners to your Board—Eshwant Basker Row, Vedajee Row and Kishen Row—appeared before me, but could neither produce any sunnuds nor the transcript of the Court documents; having however received the denial of the Jaghiredar as to the accuracy of their statements in the absence of all preceding documents, it remained for me to attain the required information by reference to the pensions and allowances granted to the petitioners during the period the country was placed under the superin-

tendence of the Collector of South Arcot (Mr. Ravenshaw) during the minority of Tirumal Row, the present Jaghiredar's father; to this end I questioned the three persons above mentioned, desiring to know in how much their allowances had since been reduced. In reply, Eshwant Row informed me that he received no allowance under Mr. Ravenshaw's management, but that having subsequently claimed from the late Jaghiredar some subsistence as a member of the family, he allowed him thirteen rupees per mensem, which he continues to enjoy. The second Vadajee Row states that he received eight rupees a month under Mr. Ravenshaw's order, and that the late Jaghiredar, on the petitioner representing his poverty, increased his allowance three rupees, which eleven rupees he still continues to enjoy. The third Kishen Row stated that he received ten rupees per mensem from Mr. Ravenshaw, which was increased by the late Jaghiredar to 12½ Rupees, and this he continues to enjoy. They further declared that on occasions of marriages, the Jaghiredar assists them with sums of money, and that they have no complaint on this account, but claim possession of villages which they state their ancestors enjoyed some forty and fifty years since. I considered it advisable in consequence of the gross contradiction between their statements before me and those inserted in their petitions to commit their depositions to paper and to receive their signatures thereon.

9. I have considered it necessary to enter thus minutely into the report, wishing to show how distant the allegations of the petitioners are by themselves admitted to be from the truth. Perhaps it may be unnecessary for me to summon the remainder of the petitioners; in this I beg to receive your Board's opinion. It is necessary to state that in their depositions just mentioned, the three petitioners observe that their pensions for some months have not been paid, but that they did not mention the subject in their petition; the Jaghiredar reports that several of the petitioners have not for some months applied for their pensions, but that it avails their claim.

10. I have observed that one of the petitioners, Sreenivasa Row, had never shown himself before me; his statement is, I understand, correct. As to his father Venkat Row having received 30 Pagodas per mensem from the late Jaghiredar, which on his father's demise was reduced to 21 Pagodas to his widow, but this Sreenivasa Row was the adopted son of the late pensioner who had no family, but was himself a man of great respectability and a connection of the Jaghiredar; this Sreenivasa Row is, I understand, the son of one Kishen Row, one of the sixteen petitioners who is said to be the great agitator of the present complaint and whose individual petition has, I understand, been already decided on by your Board, although I cannot find any reference to it on the records of this cutcheri.

Said to be about the year 1826.

11. Of the sixteen complaints, Gopal Row, who has never appeared before me, prosecuted the Jaghiredar for subsistence, first in the Court of Sudder Ameen, where he was non-suited, then in the Zillah Court, with similar results, and finally with no better success in the Provincial Court of Appeal; this person also petitioned your Board, and his claim on reference to this cutcheri was investigated and the Principal Collector's opinion submitted under date the 26th September 1825.

Vide Extract from the Register of Petitions forwarded with letter to the Board of Revenue 4th October 1825.

12. In the course of investigation; I directed the Jaghiredar to explain the nature and extent of the charity which his father was stated to have estimated at 27,000 Rupees; he denies that the disbursement so mentioned alluded to the charity alone, but was the total of certain particulars of expense, *viz.*, usual subsistence to the complainants, &c., 15,000; Peishcush 10,000, and Kanjee, &c., House expenses 2,000 Rupees. But so long as the Jaghiredar continues the payment to his dependents of these allowances which they have been accustomed to receive during the last twenty-four years, that is since majority of the late Jaghiredar Tirumal Row, and some of which allowances were, as shown above, subsequently increased by Tirumal Row himself, the petitioners have not that I can understand any reasonable cause of complaint, nor does the accuracy or otherwise of the late Jaghiredar's statement in Court in

any way affect them, though had inaccuracy attached to it, it is probable that the adverse party would have called for the production of the detailed accounts in Court.

I have the honor to be,
Sir,
Your most obedient Servant,
(Signed) C. ROBERTS,
Principal Collector.

NORTHERN DISTRICT OF ARCOT,
PALMANAIR, 30*th June* 1831.

(True Copy.)

(Signed) W. MEYER,
Acting Secretary.

22.

REVENUE DEPARTMENT.

To

THE SECRETARY TO GOVERNMENT

IN THE REVENUE DEPARTMENT,
Fort St. George.

SIR,

I have the honor to acknowledge the receipt of your letter bearing date the 21st December last, communicating the desire of the Right Honorable the Governor in Council that the Jaghiredar of Arnee should take such measures to satisfy the equitable demands of his connections as will effectually silence the recurrence of complaints which are not creditable to the head of an old and respectable family, and to state that the sentiments of the Right Honorable the Governor in Council having been duly intimated to the Jaghiredar, I am assured by him that he continues to pay without reservation every allowance which either his grandfather or father established or those which Mr. Ravenshaw (who superintending the revenue of the Jaghire during the minority of the present Jaghiredar's father) thought proper to appoint. In proof of which the Jaghiredar refers to an enquiry instituted by Mr. Roberts on a similar petition presented by the same party and on which the Principal Collector reported to the Board of Revenue. The Jaghiredar is correct in his reference for independent of no individual of the petitioners who appeared before him, being able to prove any diminution of present payments; it appeared in some instance that the father of the present Jaghiredar, though taking Mr. Ravenshaw's list of pensioners for his standard of payments, had extended his charity to other family connections who also continued to receive the allowances as originally fixed. This was disposed before Mr. Roberts by some of the parties themselves so pensioned. I have the honor to forward a transcript and translation of the Jaghiredar's reply to that gentleman's communication above referred to with the list of pensions paid by him amounting to Rs. 4,506 per annum.

I have, &c.,
(Signed) R. EDEN,
Ag. Principal Collector.

(True Copy.)

NORTHERN DIVISION OF ARCOT, CHITTORE,
6th March, 1832.

(Signed) R. C. C. CARR,
Acting Under-Secretary to Government.

23.

No. 270. REVENUE DEPARTMENT.

To

THE ACTING PRINCIPAL COLLECTOR

OF NORTHERN DIVISION,
Arcot.

SIR,

I am directed by the Right Honorable the Governor in Council to acknowledge the

receipt of your letter of the 6th instant, and in reply to transmit to you the accompanying extract from the minutes of consultation under this date.

I have, &c.,

(Signed) T. R. WHEATLY,
Secretary to Government.

FORT ST. GEORGE,
13*th March*, 1832.

(True Copy.)

(Signed) R. C. C. CARR,
Acting Under-Secretary to Government.

24

No. 269.

Extract from the minutes of consultation under date 13*th March* 1832.

Read the following letter from the Acting Principal Collector of Northern Division of Arcot :—

The Right Honorable the Governor in Council has directed a particular investigation into the subject of this petition, by which it would appear that the Jaghiredar of Arnee has paid and is continuing to pay the undermentioned allowances to the several members of his family :—

Memorandum showing the allowances paid to the relatives of the Jaghiredar of Arnee.

	NAMES.	DURING THE COLLECTORSHIP OF———.						DURING THE TIME OF TIRUMAL ROW, LATE JAGHIREDAR.						BY THE PRESENT JAGHIREDAR.					
		Monthly Allowance.			Yearly Allowance.			Monthly Allowance.			Yearly Allowance.			Monthly Allowance.			Yearly Allowance.		
		RS.	A.	P.	RS.	A.	P.	RS.	A.	P.	RS.	A.	P.	RS.	A.	P.	RS.	A.	P.
1	Streenevasa Row	105	0	0	1,260	0	0	73	8	0	882	0	0	73	8	0	882	0	0
2	Swakee Donda Row	45	0	0	540	0	0	45	0	0	540	0	0	45	0	0	540	0	0
3	Beemsane Row	10	0	0	120	0	0	20	0	0	240	0	0	20	0	0	240	0	0
4	Babu Row	9	0	0	108	0	0	20	0	0	240	0	0	20	0	0	240	0	0
5	Appa Venkatrow	...	..	...	...	...	...	15	0	0	180	0	0	15	0	0	180	0	0
6	Veyasa Row, Jayanadha Row ...	15	0	0	180	0	0	15	0	0	180	0	0	15	0	0	180	0	0
7	Yesovunta Row	...	...	...	...	..	...	15	0	0	180	0	0	15	0	0	180	0	0
8	Konare Row	14	0	0	168	0	0	14	0	0	168	0	0	14	0	0	168	0	0
9	Yesovunta Row	...	..	.	...	...	...	13	0	0	156	0	0	13	0	0	156	0	0
10	Vadajee Appa Row	...	...	..	...	...	..	13	0	0	156	0	0	13	0	0	156	0	0
11	Krishna Row, Kosopunt ...	10	0	0	120	0	0	12	8	0	150	0	0	12	8	0	150	0	0
12	Naraina Row, Bavoo Row ..	10	0	0	120	0	0	12	0	0	144	0	0	12	0	0	144	0	0
13	Nadajee Row	8	0	0	96	0	0	11	0	0	132	0	0	11	0	0	132	0	0
14	Runga Row, Doondu Row ...	11	0	0	132	0	0	11	0	0	132	0	0	11	0	0	132	0	0
15	Rauthoboyee, wife of Balajee Row...	24	0	0	288	0	0	10	0	0	120	0	0	10	0	0	120	0	0
16	Ragoonatha Row, Vasudava Row ..	...	...	..	...	..	..	10	0	0	120	0	0	10	0	0	120	0	0
17	Donda Row, Appoo Row ...	...	...	..	...	...	...	10	0	0	120	0	0	10	0	0	120	0	0
18	Soob Row, Joyateerta	...	.	...	..	...	...	9	0	0	108	0	0	9	0	0	108	0	0
19	Kooppoo Row, Nance Vetal ...	...	...	...	...	..	...	9	0	0	108	0	0	9	0	0	108	0	0
20	Vada Kooppoo Row	...	..	..	...	..	..	8	8	0	102	0	0	8	8	0	102	0	0
21	Gunnaree Seenajee Row ...	8	0	0	96	0	0	8	0	0	96	0	0	8	0	0	96	0	0
22	Gunnaree Rama Row	8	0	0	96	0	0	7	0	0	84	0	0	7	0	0	84	0	0
23	Nanna Row	6	0	0	72	0	0	5	0	0	60	0	0	5	0	0	60	0	0
24	Jeevun Row, Moortee Row ...	...	...	..	...	...	..	9	0	0	108	0	0	9	0	0	108	0	0
		283	0	0	3,396	0	0	375	8	0	4,506	0	0	375	8	0	4,506	0	0

The payment of allowance has been paid up to November in fusli 1241 and the receipts are lodged in the records.

By this statement the Right Honorable the Governor in Council observes that during the Collectorate of Mr. Ravenshaw, the Jaghiredar paid yearly Rs. 3,396, but the amount now disbursed for the same period is Rs. 4,506.

The Jaghiredar professes his entire willingness to review and consider any claim which the members of his family may think proper to prefer, and as his conduct appears to be founded on equitable principles, the Right Honorable the Governor in Council hopes that the petitioners will not allow themselves to be swayed by evil counsels in setting

up improper and unauthorized pretentions. The Government will not interfere further upon this subject unless Mr. Eden should be satisfied at any future period that the petitioners have ground for complaint and should submit a report to that effect. They are therefore henceforward referred to the Acting Principal Collector.

(Signed) ILLEGIBLE,
Secretary to Government.

(True Copy.)

(Signed) R. C. C. CARR,
Ag. Under-Secretary to Government.

25.

REVENUE DEPARTMENT.

No. 455.

To

THE PRINCIPAL COLLECTOR OF NORTH ARCOT.

No. 888 of 1834.

SIR,

With reference to Mr. Edin's letter dated the 6th March 1832, I am directed to transmit to you the accompanying petition from Koosepunt Krishna Row for himself and other defendants of the Arnee Jaghiredar.

The following endorsement has been made on a petition to the Governor from the same parties by the Private Secretary.

2. The Governor in Council desires that you will summon this person and the chief of these whom he states himself to represent and obtain from them a distinct statement of the nature of their claims.

The petitioners are informed that they will be called upon by the Collector of North Arcot "to establish their claim, and that unless they can prove that since the Arnee Jaghire has been held from the British Government, they or their predecessors have received more than they (the petitioners) now receive from the Jaghiredars, their claim will be considered obsolete and inadmissible."

3. You will then enquire whether those claims have been admitted or allowed, at any time since the Arnee Jaghire has been held under sunnud from the British Government, or whether the petitioners or their predecessors have at any time since that period received from the Jaghiredar in possession allowances exceeding those they now enjoy; having satisfied yourself on these points, you will report the result of your inquiries for the information of the Governor in Council.

(True Copy.)

R. C. C. CARR,
Ag. Under-Secretary to Government.

FORT SAINT GEORGE, 30*th May* 1834.

26.

CHITTORE, 7*th October* 1834.

No. 20.

To

THE SECRETARY TO GOVERNMENT

IN THE REVENUE DEPARTMENT,

Fort Saint George.

SIR,

I have the honor to acknowledge the receipt of your letter of the 30th May last forwarding with a reference to Mr. Eden's letter of the 6th March 1832 the accompanying petition* from Koosepunt Krishna Row for himself and other dependents of the Arnee Jaghire, and communicating the desire of the Governor in

* No. 808 of 1834.

Council that I will summon that person and the chief of those whom he states himself to represent and obtain from them a distinct statement of the balance of their claims; that I will ascertain whether such claims have been admitted or allowed at any time since the Arnee Jaghire has been held under sunnud from the British Government, or whether the petitioners or their predecessors have at any time since that period received from the Jaghiredar in possession allowances exceeding those they now enjoy, and having satisfied myself on this point to report the result.

2. In accordance with the above instructions, I have the honor to state for the information of the Right Honorable the Governor in Council that I have in vain required the presence of the individual Koosepunt Krishna Row by others of the petitioners, members of the Arnee family, he is stated to be in Mysore and they having assured me he would be in attendance shortly. I have been induced to delay my report which I no longer deem expedient since the receipt of the orders of Government communicated in your letter of the 25th ultimo requiring an early reference.

3. I have as required obtained from the petitioners a distinct statement (No. 1) of their claims with such information as they were enabled to supply in support thereof and the periods at which their demands were enjoyed.

4. This statement comprises the names of thirty persons, relatives to the original Jaghiredar, to whom it is said the second Jaghiredar, Conery Row, granted sums of money and villages to the amount of Rs. 27,320 per annum previous to the assumption of the Jaghire by the then Nabob of Carnatic Wallajah, which assumption such of their descendants as are petitioners before me, verbally state to have taken place in the year Kurasamvatsur, corresponding with A. D. 1771, and that this assumption continued about twenty years when the Jaghire was restored to Sreenivasa Row, the grandfather of the present Jaghiredar and who held the Jaghire when the country was ceded to the Honorable Company, on being questioned as to the allowances granted by this Jaghiredar of which no intimation is given in this statement. They assert that the members of the family had quitted the country on the assumption by the Nabob and that on the restoration very few of the members were present to derive personal advantages from the Jaghiredar Sreenivasa Row.

5. The statement then proceeds to exhibit the allowances granted to the families by Mr. Ravenshaw; this gentleman was the Collector of the Southern Division of Arcot (in which Arnee was then situated) at the demise of the Jaghiredar Sreenivasa Row, who dying without male issue directed his wife to adopt one Tirumal Row (the father of the present Jaghiredar), the son of one Dada Row, No. 22, in the statement and who is said still to be in existence residing with the present Jaghiredar and receiving the allowance assigned to him and some lands.

6. The adopted son of Tirumal Row being a minor, the Jaghire fell under the superintendence of the Board of Revenue as Court of Wards, to whom the Collector acted as agent, and it will be observed the petitioners admit that the entire sum disbursed by that gentleman during the minority was Rs. 2,316 per annum, and it further appears by reference to the next column in their statement that when Tirumal Row attained his majority and received charge of the Jaghire, the allowances were increased by him to Rs. 3,912 per annum, and that the yearly payments of the present Jaghiredar are Rs. 3,870. I conceive, therefore, that the petitioners have totally failed to make out their case. They have admitted that the present payments not only exceed all that were ever allowed at any time since the "Arnee Jaghire has been held under sunnud from the British Government," but that they were also superior to the allowance granted since the year 1771.

7. Upon being interrogated as to the grounds for alleging without the means of proof that the sum of Rs. 27,320 had been at any period enjoyed by the family, they deliver in a reply given by the Vakil of the late Jaghiredar Tirumal Row in a suit before the Provincial Court of Circuit, Central Division, in the year 1818, instituted by Conery Row Jaghiredar of Raghunathapuram, attached to the Arnee Jaghire, and this reply appears to me

the basis of the present claims as the sum of 27,000 Rupees is therein specified to the amount of Jaghiredar's expenditure on account of payments to the members of the family for subsistence and the value of Mokhasa villages granted in Enam.

8. The petitioners exhibited a Mahratta paper, being a list of names and allowances which nearly correspond with the amount specified in the Vakeel's reply above alluded to and the Mahratta paper they state to be an original document, prepared prior to the assumption of 1771; this paper bears no date—if not a fabrication, it is by no means a valid document though the claims in the petitioners statement are prepared from it, and although in possession of this paper, they can assign no reason for allowing so many years to elapse without asserting their claims.

9. In having shown that by the addition of the petitioners the allowance received at present fully equal those "admitted or allowed at any time since the Arnee Jaghire has been held under sunnuds from British Government, I had perhaps met the requisitions of the Government, but I have been induced to go a little further into the question to elucidate the real cause of the present demand.

10. I have stated that the Arnee Jaghire was formerly situated in South Arcot; it was transferred with other taluqs south of Palar River some time after Tirumal Row had attained his majority, and consequently all the documents relative to the expenditure during his minority were to be found only in the records of the Collector of South Arcot from whom I considered it advisable to obtain those of the expense incurred on the estate during that period, these were forwarded to me some time previous to the petitioners submitting their statement from Mr. Ravenshaw's accounts, it appears that the disbursements under this head in Fasli 1214 or A. D. 1804 were account of nine relatives, Rs. 40, F. 31, C. 45 per mensem, and to six cousins for certain ceremonial expenses: Rs. 16, F. 12, O. 68, making a total of Rs. 57, T. 6, O. 33 per mensem or Rs. 685, F. 31, C. 76 per annum, that is Rs. 2,399-15-8. Other connections of the Jaghiredar were also provided with monthly salaries of various sums, but the present reference bears allusion to the relatives only.

11. By Mr. Ravenshaw's accounts of the expenses in Fasli 1215, the number of relatives was increased to twelve and the allowances were Rs. 534, F. 38, O. 37 or Rs. 1,871-15-10 independent of other connections.

12. I have also required the attendance on the part of the Jaghiredar of such of his servants as were capable of affording information on the subject, the chief of these is his Bukshee Dhondopant who was in the service of the Jaghiredar Sreenivasa Row, and this the petitioner admits; the accompanying statement No. 2 is prepared from his Dufters; it exhibits that the number of relatives now supported by the Jaghiredar has been increased to Pagodas 1287, F. 19, Q. 22 or Rs. 4,500, being a larger sum than has previously been disbursed either by his father or since the year 1771. The statement shows the balance at the close of Fusly 1242, that is the 11th July 1833; the sum paid since on receipts and otherwise and the balance on account of Fusly 1243 with the cause of non-payment.

13. The petitioner Koosepunt Krishna Row is, as I have above stated, absent, but seven individuals similarly related to the Arnee family and who are represented in the petition of this individual are now before me. Six of these acknowledge their signatures to the receipts produced by the Bukshee the seventh claims support, but his name is not inserted either in Mr. Ravenshaw's list nor in those of the late or present Jaghiredar.

14. If irregularity is ascribable to the payment of the pensions without receipts, this statement exhibits that such has prevailed, but if the payments are to be considered the voluntary donations of the Jaghiredar, who however by the 3rd para. of the sunnud granted to him by the British Government is bounded to afford suitable provisions for different members of his family according to established usage and according to the orders of the Government when they may see fit to interfere, the non-compliance hitherto with any stated form or mode

of disbursement may not be deemed incorrect though for the prevention of future disputes it may now perhaps be desirable that such forms should be observed.

I have, &c.,

(Signed) C. ROBERTS,

Principal Collector, Northern Division of Arcot.

(True Copy.)

(Signed) R. C. C. CARR,

Ag. Under Secretary to Government.

27.

Extract from the minutes of consultation under date the 17th October 1834.

Read the following letter from the Principal Collector of the Northern Division of Arcot:—

It appears from the report that the allowances paid by the present Jaghiredar of Arnee to the dependants of the family who were entitled to a provision from the Petitioners to be fully equal to what has been allowed to them since the Jaghire has been held under sunnud from the British Government. The claims of the petitioner for the restoration of the allowances alleged to have been made by the Jaghiredar at a time prior to the assumption of the Jaghire long before the commencement of the Company's rule are quite inadmissible.

For the prevention of further disputes, it appears desirable that the Jaghiredar should cause the allowances to be paid to the dependants in a regular manner and receipts to be taken from them. The Principal Collector will recommend those practices to the Jaghiredar, one Asavantha Row, Bashcar Kistna Row, Koosopunt and others of the family of the Jaghiredar of Arnee dated 3rd August 1832.

Endorsement.

The Governor has already ordered on the petitioner's claim, which decision was communicated to themselves.

Copy of the extract from the minutes of consultation bearing date 13th March 1832 furnished to them on the 27th April last, Fort St. George, 28th December 1892.

(By Order.)

(Signed) T. V. STONEHOUSE,

Ag. Secretary to Government.

28.

Endorsement on the address from the Jaghiredar of Arnee dated 3rd July 1839.

The Right Honorable the Governor in Council observes with great regret that in the opinion of all the local authorities and of the Judges of the Foujdari Udalut, the inefficient and unsatisfactory state of the Police in the Jaghire of Arnee, and the evils and abuses resulting therefore render it necessary, in justice to the inhabitants of the country, to replace the police duties in the hands of the magistracy, and His Lordship in Council, seeing reason to concur in this view, has this day authorized the resumption of those duties accordingly and the employment of a suitable establishment for their efficient performance in future.

(By Order.)

FORT ST. GEORGE, 13*th August* 1839.

(Signed) ILLEGIBLE,

Chief Secretary.

29.

Extracts from a general letter from the Honorable the Court of Directors, dated 18th May 1842, No. 12.

Para. 8.

We approve the decisions of the Government of India in these cases as we think that whenever you see reason to entertain applications for the continuance of pensions not strictly hereditary to the surviving members of the family, some reduction should be generally made in the amount so as to provide for their gradual extinction.

(True Extract.)

(Signed) WALTER ELLIOT,
Ag. Secretary to Government.

(True Copy.)

Ag. Secretary.

30.

Proceedings of the Board of Revenue, dated 29th August 1842, No. 1647.

Read extract minutes of consultation dated 15th August 1842 containing the observations and orders of Government on an extract from a general letter from the Honorable the Court of Directors dated 18th May 1842, No. 12.

Resolution.

Ordered that copy of para. 8 of the Honorable Court's letter recorded above be communicated to the Acting Principal Collector of Cuddapah with reference to the correspondence entered in the margin, and that the same be communicated by circular for the information and guidance of all Collectors who will be pleased to bear in mind the wishes of the Honorable Court when submitting hereafter applications for the continuance of pensions not strictly hereditary.

From Government 27th May in cons. 15th June 1840. From Government 26th May in cons. 15th June to Ag. Principal Collector 15th June.

(True Extract.)

(Signed) J. BOURDILLON,
Secretary.

(True Copy.)

Ag. Secretary.

31.

No. 986.

Extracts from the minutes of consultation under date the 30th August 1853.

Para. 5.

The following endorsement on petitions Nos. 1007 and 1019 will be communicated to the petitioner through the acting Collector of North Arcot.

No. 1007 from Venkata Row Sahib claiming to be the head of the Arnee Jaghiredar's family, and as such entitled to the Jaghire; No. 1019 from Venkata Row Sahib, praying to be considered as head of the Arnee Jaghiredar's family and as such to be entrusted with the management of the affairs of the Jaghire.

The petitioner is informed that his pretentions are inadmissible.

Petitioner is informed that his request cannot be complied with, and that he will not be permitted to interfere in the management of the Arnee Jaghire.

(Signed) T. PYCROFT,
Secretary to Government.

(True Copy.)

(Signed) W. MEYER,
Ag. Secretary.

32.

REVENUE DEPARTMENT.

No. 1049.

Extracts from the minutes of consultation under date the 20th October 1846.

The Most Noble the Governor in Council proceeds to pass orders on the letter in this department from the Honorable the Court of Directors dated 1st July 1846, No. 8.

* * * * * *

4 and 5 review the Proceedings of Government in respect of the petition of Venkata Row, brother of the Arnee Jaghiredar, praying for a share in the Jaghire and the refusal of Government to interfere in the matter. Honorable Court consider with reference to the power reserved to the Government by the sunnud and the previous conduct of the Jaghiredar the Government might fairly have used their power of requiring the Jaghiredar to allot a suitable amount for the maintenance of the petitioner out of the profits of the Jaghire. Desire to know whether the matter has since been amicably settled between the parties.

2. A copy of these paragraphs will be furnished to the Board of Revenue with a request that they will report the result of the measures which they may have adopted pursuant to the orders of Government communicated to them on the 13th January 1844, No. 48, and whether any and what adjustment has been effected in respect of the claim preferred by Venkata Row.

* * * * * *

(True Copy.)

(Signed) R. C. CARR,
Ag. Under Secretary.

33.

No. 216.

Vencatarau Saib, 3rd son of the late Tirumal Row Saib, Jaghiredar of Arnee, attached to the Arnee Jaghire.

Praying that the Arnee Jaghire may be registered in his name as he is the present head of the family agreeably to the orders issued by Government on the decease of his father.

BOARD'S ORDER.

The Jaghire is hereditary and has now descended to Tirumal Row Saib, the eldest son of the late Jaghiredar.

22*nd June* 1853.

34.

Read the following letter from C. WHITTINGHAM, Esq., Collector of North Arcot, to H. FORBES, Esq., Secretary to Government, Fort Saint George, dated Chittore, 10th March 1858, No. 13.

SIR,

I have the honor to submit the report called for by Government in their endorsement on Petition No. 2943 of 1857.

2. The petitioner Lutchemeeboyee requests that the full allowance of Rs. 20 per mensem which her father-in-law received from the Arnee Jaghiredar may be continued to her. The sum of 20 Rs. was paid by the Jaghiredar to petitioner's father-in-law till his death. The Jaghiredar then allowed petitioner's husband Poorooshothama Row 16½ Rupees and granted

the remaining 3½ to Poorooshothama Row's brother's widow Tolasee Boyee. In A. D. 1850-51 petitioner's husband died when the Zemindar offered to allow the petitioner Rs. 5 a month; the petitioner declined and appealed to Mr. Brett, who on the 5th August 1853 decided that the Arnee Jaghiredar was justified in decreasing the amount of the allowance on petitioner's husband's death, and that 5 Rs. was a proper sum to give her; but the widow of petitioner's husband's brother ought to have 5 Rs. instead of 3½ per mensem. The petitioner again appealed when Mr. Bourdillon in an order dated the 25th January 1858. The petitioner then presented a petition to me, to which I replied on the 27th August 1857 that as the question had already been decided by my predecessors, I could not interfere in the matter.

3. The endorsement of Government was received by me when I was on circuit in the district, and the absence of the necessary documents prevented my reporting on the subject within 20 days as required by the Government.

Order thereon, No. 426, *dated* 31*st March* 1858.

Order that the following endorsment be passed on Petition No. 2943 of 1857.

As the Government learn by report from the Collector that two former Collectors Messrs. Brett and Bourdillon considered the allowance of Rs. 5 per mensem offered by the Jaghiredar to petitioner who is a childless widow to be quite sufficient under circumstances of the family, they see no cause to interfere further on her behalf.

(Signed) H. FORBES,
Ag. Secretary to Government.

(True Copy.)

(Signed) R. C. C. CARR,
Ag. Under Secretary to Government.

35.

1. *Vesharam Vencata Row.*—The Jaghiredar is willing and ready to pay this allowance regularly from month to month to this claimant if he be only good enough to appear before him regularly every month instead of travelling where he likes and appearing occasionally as he now does. This payment is however made under protest and under pressure of the order of Government dated in October 1861.

The contention of the Jaghiredar in this case is that he is entitled to reduce this allowance with reference to the principles and practice enunciated in a separate memorandum to which accompanies this and which as well applying to the cases of other claimants on this list, *viz.*, Nos. 8,15 and 28 to that memorandam, the Jaghiredar craves reference.

This claimant is the son of Sreenivasa Row No. 1 in the list attached to E. M. C. 3rd March 1832. Sreenivasa Row's father, Venkata Row, was originally allowed 105 Rs. per mensem. On his death this allowance was reduced to Rs. 73-8-0, which was granted to Sreenivasa Row, who without demurring to this reduction, received it till his death in 1858. On his death the Jaghiredar reduced the allowance to Rs. 56, which the claimant refused to receive. He claimed the full amount of Rs. 73-8-0 granted to his father. After various investigations the matter was decided in favour of the Jaghiredar by Mr. Collector Whittingham in his memo. to the Sub-Collector dated 18th June 1859. Translation of this memo. is submitted herewith as enclosure marked F. Government on the 24th December 1860 passed an order that the claimant was entitled to the allowance claimed by him in view not only of the E. M. C. of 1832, but also on certain documents produced by him. This document was false in point of fact, and its authenticity was assumed without the Jaghiredar being allowed to look into it and without any trial or evidence in its support, and in spite of palpable marks of forgery and of its being in utter variance from the original counterpart which the Jaghiredar produced. This proof is insufficient in law to establish the authenticity of the instrument.

The Jaghiredar solicits therefore that the genuineness of their document may be thoroughly investigated into and full opportunity offered to him to produce his evidence.

Even if that document were genuine, the interpolated phrase in it that the allowance was perpetual cannot bind the present Jaghiredar. The only parties that were thereunder were its grantor and grantee and on their death the instrument was of no effect, at least the expression is ambiguous. It may mean "perpetual" as to the duration of the allowance, *i.e.*, down to sons and grandsons or as to its amount as contended for by the claimant. See on this point para. 15 of the petition of the Jaghiredar to Government in the matter of Sashghery Row's claim.

2. *Krishna Row, Brother of Conary Row.*—The Jaghiredar is ready to pay this allowance to the claimant punctually every month if the claimant appears to receive it. Beyond this his claim to the Russum called Vedajivartana which he admits is not for the last 35 years is absurd and preposterous, and further barred by limitation.

The sudder court in its decree in No. 2 declared that this claimant and his father had no right to this Russum.

3. *Jayatheertha Row.*—The Jaghiredar contents himself with saying that he is ready and prepared to pay this allowance to him every month on his appearing as punctually to receive it.

4. *Banagee Krishna Row, Banagee Sreenivasa Row.*—Conary Row herein referred to had three sons the eldest of whom died without issue, his second son died leaving a son who is the second claimant, and his third son is the first claimant. The first claimant was not adopted as alleged by him by Conary Row's brother. This adoption is set up with the view of securing the full allowance paid to Conary Row. The Jaghiredar is prepared and willing to pay ⅔rds thereof to these claimants, the remaining ⅓rd due to the first son Conary Row having lapsed. Their refusal to receive the ⅔rd is the cause of any arrears remaining unpaid. They claim arrears only for 2 years and 6½ months, whereas in the statement they say that the arrears were not paid for 7 years; whatever arrears are still unpaid out of the ⅔rd will be duly paid to them.

5. *Beemosanoo Row.*—If this claimant appears in the Jaghiredar cutchery regularly every month the allowance will be as regularly paid to him.

6. *Goondoo Row.*—This claimant is entitled to a monthly allowance of 3½ Rs. according to the khut of Mr. Whittingham dated December 1858, No. 23. The Jaghiredar is willing to pay the allowance in arrears from the said date as decided by Mr. Whittingham. But the claimant instead of appearing to receive it, is giving the authorities vain trouble falsely stating that he could not get access to the Jaghiredar. His officers are ready to pay the allowance whenever he may appear before them. If permitted the arrears due from the 4th December 1858 will be sent to the acting Collector.

The real object of this man was to get the full allowance which his father received, and failing in this he is simply annoying the Jaghiredar by false representations that he would not pay when he is ready to pay at any time he may appear at his cutchery.

He cannot get arrears prior to the 4th December 1858 according to the said decision of Mr. Whittingham, which expressly says that the allowance should be paid from that date. *Vide* para. 7 of the English letter from the Jaghiredar to the acting Collector, dated 24th April 1862, quoted below.

The first three of these claimants are minors and are under the protection of their maternal grandfather, named Rama Row, who continues to receive this allowance from time to time. Neither this Rama Row nor the 4th claimant have come forward to prefer this complaint. This seems to have been preferred by some unknown friend of theirs. The Jaghiredar is however ready to pay whatever arrears may be found due under this claim after deducting payments

Narayana Row and his 2 brothers and his youngest uncle, Anantha Row.

already made to Rama Row; only a few months arrears are due and not the extravagant sum of Rs. 400 and odd claimed for nearly 10 years which is altogether false.

8. *Bagheerathee Boyee.*—This claimant is the widow of Annaji Row No. 22 in the Government list of 1832. He received an allowance of Rs. 8 which on his death was reduced to 4 Rs. to his issueless widow the present claimant, in accordance with the longstanding custom of the family.

The acting Collector says that the reduction in the allowance cannot be made without her consent. This is begging the question. If she consents to the reduction, there can be no dispute in the matter, and it she has the right to insist on the continuance of the allowance without abatement, it is idle to expect that she will agree to any reduction. The question involved in this case is the general one which will be discussed in the accompanying memo.

The arrears she is entitled to date only from the death of her husband whatever that may be. The Jaghiredar does not know that date; but it can be easily ascertained.

9. *Vencata Row.*—This claim has been so often neglected by all the authorities from Mr. Bourdillon down to the present acting Collector that his only remedy is by a civil court. In the hope that the acting Collector will not re-open this question, the Jaghiredar refrains from offering any further observations on the case beyond craving reference to the subjoined quotation of para. 5 of the Jaghiredar's English letter of the 24th April 1862.

10. *Krishna Row, Annajee Row, Sreenivasa Row and Rama Row.*—The Jaghiredar has never refused payment to the parties. He will pay the allowance punctually if they appear at his cutchery regularly every month.

11. *Ratha Boyee.*—The Jaghiredar is prepared to pay this allowance to Ratha Boyee if she will regularly attend to receive it.

The adoption set up is false. The name of this woman is entered in the Government lists of 1832 as having been in the receipt of the allowance from the time of the late Tirumal Row Saib who died in 1825, so that her husband must have died before 1825, and yet she did not get of this adoption before or after 1832 for the last thirty-eight years; the claim on behalf of the adopted son is obviously false and further barred by the law of limitation. If the adoption was true, his name ought to have been entered in the list of 1832.

12, 13, 14. *Sama Row, Venkat Row, Asavantha Row.*—The Jaghiredar never refused these allowances. He is prepared to pay them to the parties whenever they appear at his cutcherry. They are————in their appearance and accuse the Jaghiredar who never questioned the title to the allowance.

15. *Vadajee Subba Row.*—The Jaghiredar contends in this case for his right to reduce the allowance to 2/3rds with reference to the long-standing family usage and the provisions of Hindu law regarding which a separate memo. is sent herewith, which please see. Notwithstanding this contention, the Jaghiredar continues him the full allowance under protest, under pressure of the order of Government, 31st October 1861.

16. *Thatha Row.*—See remarks on cases Nos. 12, 13, and 14.

17. *Narayana Row.*—As to first part of this statement, see remarks on cases Nos. 12, 13 and 14.

As to 2nd part, it will be seen from the Government list of 1832 that neither he nor his father ever received the allowance of Rs. 71 and odd now claimed. This claim must of course be rejected as being barred by the statute of limitation.

18. *Runga Row.*—Since this complaint these three parties have settled their differences, on account of which the allowance was suspended. They have now agreed to receive it in three shares which they received with arrears till January last; subsequent allowance will be paid on their appearance.

As to the latter part of the claim to the allowance of Rs. 8-5-4, which appears to have been discontinued from 1830 on the claimant's own statement, the Jaghiredar contends

that the claim is false and is barred by the law of limitation, and it is not referred to in the list of 1832. This part of the claim should therefore be dismissed.

19. *Kagoonada Row.*—See remarks on cases Nos. 12, 13 and 14.

20. *Vyasa Row.*— Do. do.

21. *Nanah Row.*— Do. do.

22. *Kristna Row.*— Do. do.

N.B.—The period for which arrears are claimed should be two months instead of one year and two months, as inadvertently got out in the appropriate column.

23. *Tirumal Row.*—This Khandan is confessedly absent, and when he appears he will have his allowance duly paid to him.

The Jaghiredar cannot recognise parties other than the real claimants. He may appear either in person or by his duly authorized agent or vakeel.

24. *Ramachandra Row.*—As to first part of his claim, *vide* remarks on case No. 15. As to the second part of the claim, *viz.*, share in the lands and topes, such claim is inadmissible in law. The property and wealth of the Jaghiredar are indivisible according to the custom of the family. There has been no instance in which any member obtained division of the property in the possession of the Jaghiredar. The indivisible character of the estate and its appurtenances has led to the customs of allotting allowances to the different members of the family on account of their maintenance. Such allowance covers all charges and bars all further claims on the property. This claim is further barred by decrees of Court which disallowed this very claim brought by the claimant's father.

25. *Sooban Row.*—This claimant is the step-brother of the Jaghiredar. Notwithstanding all these proceedings, the Acting Collector has thought fit to re-open this question and to declare it as his opinion that this claim should be allowed because there is no documentary evidence of the payment of Rs. 83,000. There is no law which requires documentary proof in such cases. At the time when this matter was settled by mediator, the Jaghiredar was a minor and trusted to the honesty of parties. The payment of the sum is entered in the account of the Jaghire which will be produced. The mediator will be produced before the Acting Collector for examination. Above all this there are the decisions of the late Collector, Board and Government referring the party to the claimants. If the same question is to be re-opened, where are parties to stop? There would be no end of litigation. The Jaghiredar submits that the Acting Collector has no jurisdiction to re-open the decisions of its predecessors and of the Board and Government without special authority to do so.

The claim for Rs. 15,000 is quite unprecedented and now cannot be allowed. The allowance for maintenance covers all charges and therefore this should be disallowed. On the one ground that the former Revenue authourities decided this case already, the whole of this claim should be dismissed.

As to the claim for share of the lands, *vide* remarks under the same head in the preceding case No. 24.

The Jaghiredar has only to add that he is prepared to prove that the said Rs. 83,000 was not only paid as stated above, but that portions thereof have been lent to several parties under bonds on stamp papers purchased from the Collector's cutcherry.

Allowing that the Jaghiredar is bound to provide again for the maintenance of this claimant, he can get only Rs. 125 because the Jaghiredar, has another brother to provide who would be entitled to the other moiety of Rs. 125.

26. *Rajasooboyee.*—This claim is embraced in the preceding claim; Rajasboy cannot claim separate maintenance from the Jaghiredar under Hindu law. She must look for her support to her son whose allowance covers her's also. If she is to have a separate allowance, the same must be deducted from that allowed to her son.

27. *Ruma Row.*—This claimant is the son of No. 11 referred to in case No. 18 already adverted. This claim is included in it and has been satisfied. *Vide* remarks in that case.

28. *Ramah Row.*—The Jaghiredar presumes that this claim is preferred for and on behalf of Satya Vygaiya Appa Venkat Row who is one of the parties in whose favour Government passed their orders of December 1860 and October 1861. If so, the remarks made on case No. 15 apply to this also.

36.

ORIGINAL SIDE.

Before the Honorable SIR ADAM BITTLESTON, KT., Jurisdiction of High Court—Jaghire and its income—Individuality of suit for a division—Maintenance—Limitation.

Held that there being in this case immovable property in Madras, the High Court had jurisdiction.

That a Jaghiredar or a person of that description entitled to possession of an estate is entitled also to the income of that estate; and that a member of a Jaghiredar's family cannot call for a division of a Jaghire or any part of Jaghiredar's savings or income during his holding of the Jaghire, and that (notwithstanding the same may have been invested) in whatever form the investment may have been made. Savings handed down from previous Jaghiredars do not come within the ruling. In ordinary suits there is a presumption that any property in possession of the managing members of an undivided family is undivided family property, but there can be no such presumption in the case of a Jaghiredar, or where one member only is entitled to the estate and income held also that where, as in this case, maintenance out of the Jaghire was a condition to the holding by the Jaghiredar, payment of such maintenance was not in respect to title to property, and a recognition of rights of a payee to a share of any undivided family property. Held further that inasmuch as long before 12 years before institution of suit, plaintiff's father set up a distinct claim to a share on everything that defendant's father possessed, and that such claim was disputed and plaintiff's father was referred to the civil court; plaintiff's claim is barred for everything beyond his maintenance, and that as such maintenance was payable out of the Jaghire, the High Court had no jurisdiction to award any maintenance to plaintiff.

ORIGINAL SUIT NO. 76 OF 1863.

A. Lutchman Row Sahib *versus* A. Tirmal Row Sahib.

The Advocate-General Mr. Mayne and Mr. O'Sullivan, instructed by Mr. Wright, appeared for the plaintiff, and Mr. Miller and Mr. Johnston, instructed by Mr. Clarke, appeared for the defendant.

The relief sought by the plaintiff in this action was that an account might be taken of the undivided family property left by Arnee Tirmal Row Sahib at the time of his death which came to the hands of the defendant and of the subsequent acquisition made thereto by the defendant and his late father Streenevasa Row Sahib, also the plaintiff's one-half share of and in the said undivided family property might be ascertained and the plaintiff declared entitled thereto, and the same be decreed to be secured by the court and held in trust for him during his minority. Also that an injunction might be issued to restrain the defendant from further interfering and intermeddling with the said undivided family property; also that a receiver might be appointed to collect the rents and profits arising from and out of the said undivided family estate and to get in the whole of the property belonging to the family; also that an account might be taken of what is due to the plaintiff on foot of the monthly allowance of Rs. 250 due from the month of July 1863, and that the defendant might be decreed to pay to the plaintiff or to his guardian the sum found due for his maintenance; also that the defendant might be decreed to pay the costs of this suit; also that the plaintiff might have such further other relief as to this Honorable Court may seem fit.

The following were the facts upon which this suit was instituted. Tirmal Row Sahib, who during his life was the Jaghiredar of Arnee, died in or about the year 1824, leaving three sons, namely, Streenevasa Row Sahib, Sooban Row Sahib, and Venket Row Sahib, his legal representatives him surviving. The said Tirmal Row Sahib some time previous to death, published his last will and testament in writing, whereby he bequeathed all his property, real and personal, to be equally divided between his three sons, the said Streenevasa Row Sahib, Sooban Row Sahib, and Venket Row Sahib, the said Tirumal Row Sahib at the time of his death, left property consisting lands and houses in the village of Arnee in the Zillah of North Arcot and at other places, also gold and silver jewels, precious stones, brass utensils, &c.; and ready money in gold, sovereigns and silver to the aggregate amount or value of rupees five lacs or thereabouts. After the death of the said Tirumal Row Sahib, Sreenevasa Row Sahib, the eldest of the three sons, the father of the present defendant, with the consent of the other two sons, Sooban Row Sahib and Venket Row Sahib, was put by Government in possession of the Jaghire of Arnee in the year 1825, as trustee and head member of the family, on condition that he should make suitable provision for the different member of his family according to the established usage, and the orders of Government, and in default whereof on his part, the Government were to interfere as they might see fit. At the same time the said two sons allowed all their movable property to remain in charge and under the control of the said Sreenevasa Row as the head and managing member of the family and continued to draw separate allowances from him for their respective maintenance up to their respective death. The said Sooban Row Sahib, the second son, died in the year 1826 intestate and without issue, leaving him surviving his widow Ammaneeboyee Saib, who in the year 1837 claimed from Sreenevasa Row Sahib, the father of the defendant, her husband's share of the joint undivided family property, whereupon Sreenevasa Row Sahib as the head and managing member of the family on the first day of October 1837 entered into a written agreement with the other surviving brother Venket Row Sahib, father of the plaintiff, whereby he undertook and agreed to divide with him all the paternal property estate and effects equally. In the year 1838 the claim of the said Ammaneeboyee Sahib was compromised by giving her two of the Jaghire villages, namely :—

37.

Proceedings of the Board of Revenue, dated 3rd August 1869, No. 5666.

Read letters from J. D. ROBINSON, Esq., Collector of North Arcot, to the Acting Secretary to the Board of Revenue, dated Palmanair, 21st May 1869, No. 146 :—

This letter will be submitted to the Government with reference to their endorsement on petition No. 1611 (Board No. 95) of 1867.

2. The petitioner Arnee Venkata Row complains in his petition presented in July 1867 that the allowance of Rs. 73-8-0 a month due to him by the Jaghiredar of Arnee has been stopped for 52 months or from about February 1863.

3. In a subsequent petition to the Board Venkata Row states that he is a grandson of a Venkata Row who was pronounced to be the rightful heir to the Jaghire as against Sreenevasa Row, the grandfather of the present Jaghiredar, by the Government of Madras, the Supreme Government and the Court of Directors in 1793-95.

4. The Collector expresses an opinion that in consideration of the petitioner's lineage the full allowance of Rs. 73-8-0 a month should be paid to him and continued to his heirs.

5. The Jaghiredar on being referred to stated that he had reduced the allowance on the strength of Government Orders 6th April 1864, No. 586, but Mr. Robinson says I then took occasion to point out to him that petitioner's father having died long before the date of that orders it could not have retrospective action.

6. It would appear that Mr. Robinson has overlooked Government Orders 23rd May 1864, No. 881, in which Government decided that the reduction of one-third sanctioned in

petitioner's allowance amongst others in their order of the 6th April 1864, was to take effect from that date.

7. If the Jaghiredar is willing to pay each arrears of the allowance as were outstanding on the 6th April 1864 in full, and the reduced allowance from that date, there is no occasion for the Government to interfere.

8. Mr. Robinson does not seem to have enquired whether the allowance has been stopped altogether as petitioner states, or merely reduced as the Jaghire alleges, nor does he give the date from which the allowance ceased to be paid nor calculate the amount of arrears claimed by the petitioner. Further information is therefore required before the case can be disposed of, and the Collector should submit it as soon as possible.

9. Venkata Row's assertion that the superior authorities have decided that the claims of his branch of the family to the Jaghire is good against possessors is not true. It is however a fact that he is descended from the elder brother of Tirumal Row (I.) from whom the present Jaghiredar derives his claim, but Tirumal Row (I.) succeeded to the estate before the territory came into the possession of the British Government, and he was confirmed in possession of it by a treaty between the Nabob of Karnatic and the Raja of Tanjore, which was guaranteed by the Madras Government in 1762. It has since been held that the treaty precluded all questions as to the validity of Tirumal Row's claims as long as any descendants of his remained. In 1794 Sreenivasa Row, grandson of Tirumal Row (I.), died without issue, and his widows adopted a son named Tirumal Row (II.) The adoption was disputed by Venkat Row, petitioner's grandfather, but was eventually admitted to be valid, and Venkata Row's claims were dismissed accordingly. In 1825 Tirumal Row (II.) died, and his son, the present Jaghiredar, Sreenivasa Row succeeded him. Venkata Row's claims were again brought forward on this occasion, but the Government considered it unnecessary to discuss them as they had been fully investigated and rejected in 1795 and 1796.

Aitchison's Treatises, Vol. V., page 262.
Despatch from the Court of Directors, 9th Dec. 1784.
From Govt., Political Department, to the Board, 15th Jan. 1794.
From Govt. to the Board, 26th Nov. 1795, No. 677.
From Govt. to the Board, 25th Feb. 1825, No. 393.

10. The writer of the other petition referred to by the Collector No. 1701 of 1868 will be informed that Government have decided not to interfere with regard to such claim as his.

(A True Copy and Extract.)

(Signed) J. GROSE,
Ag. Secretary.

To The Acting Secretary to Government,
Revenue Department, &c.

(True Copy.)

Ag. Secretary.

38.

Extract from the Proceedings of the Court of Wards, dated 12th December 1873, No. 2561.

From J. W. HANDLEY, Esquire, Government Pleader, to H. E. STOKES, Esquire, Sub-Secretary to the Court of Wards, dated Madras, 12th November 1873, No. 160.

With reference to the proceedings of the Court of Wards noted in the margin, I have the honor to submit the following opinion. I regret that absence from Madras and pressure of other business since my return have prevented my replying earlier to this reference.

Dated 23rd September 1873, No. 1908.

2. I entirely concur in the opinion of the Court of Wards that Ramachandra Row Sahib is only entitled to a share in the partible property of the family in existence at his brother's death. That he is entitled to a partition of some kind, even though the fund con-

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